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# MARYLAND;

## THE LAND OF SANCTUARY.

A HISTORY OF RELIGIOUS TOLERATION IN MARY-  
LAND FROM THE FIRST SETTLEMENT UNTIL  
THE AMERICAN REVOLUTION

BY

WILLIAM T. RUSSELL

*Bishop of Charleston  
Died March 19, 1927.*

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SECOND EDITION.

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REV. WILLIAM T. RUSSELL.

“Thus your Lordship sees that we Papists want not charity towards you Protestants, whatever the less understanding part of the world think of us.”—*George Calvert to Wentworth.*

“We Remember and We Forgive.”—  
*Charles Carroll of Carrollton.*





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## PREFACE

BY HIS EMINENCE, JAMES CARDINAL GIBBONS.

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The present volume is most welcome. The history of our State, especially during the colonial era, bears a close relation to the Catholic Church whose infancy in the United States was cradled in the "Land of Sanctuary." A narrative of those events which helped or retarded the growth of religious liberty on the soil where it was first planted and developed under Catholic auspices, comes most fittingly from a Catholic author, especially from one whose forefathers settled in the Province under the government of the first Proprietary, and, notwithstanding the trials to which Catholics were subjected, were ever loyal to their faith.

The Rev. William T. Russell, of the Cathedral, the author, has for the last three years been engaged in writing the work which is now offered to the public. He is possessed of the judicial temper so essential for historical accuracy, and having carefully weighed in the balance every controverted point has given his decision with calm and dispassionate judgment. He has read every author of note who has written on early Maryland

history, and upon questions affecting Catholic interests has quoted only from reliable non-Catholic sources. Many manuscripts and documents which he has used have never before been made public.

Every Marylander who loves his native State, every American who cherishes the privileges born of civil and religious liberty, everyone who acknowledges the blessings of toleration, will peruse these pages with growing interest. The native of the "Land of Sanctuary," especially, will be filled with pride and enthusiasm, when he realizes that Cecilius, Lord Baltimore, was the first ruler to proclaim freedom of conscience to all who sought shelter, and who dwelt within his Province.

*J. Carr. Gibbons.*

## PREFACE

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It has been said that the happiest nations are those having the least history and this is particularly applicable to Maryland. Her annals are not filled with those turbulent events that go to make up the story of most of the other colonies; hers was "a government of benevolence, good order and toleration," and under the Proprietary administration there were few dark intrigues and tragic scenes. She is possessed of a distinction all her own. Her influence, from the first scored deep and wide; and from the planting of the Cross upon St. Clement's Island, her sons have been second to none among the history-makers of America. While the records of most of the other settlements are strongly colored with cruelty and bloodshed, the history of Maryland is that of religious toleration in its struggle toward development and maturity; of her was born freedom of conscience in the New World. The religious and civil elements of her origin and growth are inseparable.

The fair and broad spirit generally exhibited by non-Catholic authors in writing the history of our State affords good reason to believe that a narrative of those events which are closely associated with religious toleration under Catholic auspices,

by one who being a Catholic must be more in sympathy with the subject, would not prove unacceptable. Such a presentation while it possesses evident advantages is met by difficulties peculiar to itself which the non-Catholic historian can afford to ignore. Sympathy usually begets a favorable prejudice, and even if the writer has achieved the delicate task of viewing and presenting his subject without any of that bias which might not unkindly be ascribed to him, the reader, nevertheless, cannot at once rid himself of a pardonable scepticism regarding the author's impartiality. This objection has been anticipated in preparing this volume, for it was realized that every conclusion favorable to the Catholic Church might fairly be challenged; assertions, therefore have been grounded upon authorities which may be considered unimpeachable.

The method pursued, has been, first, to narrate the facts as they are unfolded by the most reliable testimony of the past; and in the second place, to array these bare facts in the form and color furnished by the comments of non-Catholic historians. Catholic writers have been consulted, but for the reasons already given, they have been rarely quoted to substantiate conclusions creditable to the Church, and never without confirmatory testimony from other authorities. This will explain why references to Scharf, McSherry and Shea appear so infrequently in these pages. Of the other

standard authors Chalmers, the painstaking analyst, is marvelously free from prejudice of any sort.<sup>1</sup> Bozman, the Episcopalian, is usually trustworthy for facts, and never consciously unjust in his opinions. McMahon, the Presbyterian, is always fair and generally reliable. Of the modern writers, to Dr. William Hand Browne, the distinguished archivist of the Maryland Historical Society, are the author's acknowledgments and appreciation due in an especial manner. "Maryland, The History of a Palatinate" was from the first an inspiration, and continued throughout to be a stimulus, from its fairmindedness, research, and dispassionate narration of events. The scholarly treatment and charm of style exhibited in "The Lords Baltimore" of Mr. Clayton C. Hall, have been also a source of great pleasure and gain. The Rev. E. D. Neill, a prolific writer and quondam authority upon all phases of Maryland history, who by his mis-statements has proved himself entirely untrustworthy, has not been relied upon in

<sup>1</sup> "Mr. Chalmers, as I have been informed, was a Scotchman, residing in this city, as a practitioner of the law, at the commencement of the American revolution. Espousing the cause of the crown, he sought refuge in England, and took up his residence in London, where he acquired notoriety as a political writer, and more especially by his researches into the colonial history, and ultimately obtained a place in the trade office. Writing under such circumstances, and for the express purpose of demonstrating the supremacy of parliament, his general impartiality in the statement of facts is truly remarkable."—(McMahon, p. 231.)

this work, even when his assertions might be taken to reflect honorably upon the Catholic side of a question. He has been quoted but rarely, and then not in support of historical facts, but merely for his personal opinion regarding a subject that cannot be controverted, and when his expression of praise is the least that can be said. In one of his "pronouncements" (Maryland; Not A Roman Catholic Colony,) through carelessness, we may charitably suppose, there is not an assertion to the point that has not been proven to be false. He seems to owe his past prominence as an historian to his facility in making unequivocal and apodictic statements, by his very boldness and assurance forestalling investigation and disarming criticism. It is true that Rev. Mr. Neill wrote prior to the discovery of the Calvert Mss. and other documents, and also before the publishing of the State Archives made these records of easy access, still if it was impossible to obtain some facts, and difficult to ascertain others, he does not stand excused for supplying these deficiencies. Father Hughes, on subjects pertaining to his Society in Maryland, has been found invaluable. His "History of the Society of Jesus in North America" is a masterful defence of the Jesuit side of the controversy with Lord Baltimore. While drawing freely from the facts furnished by the learned author, the conclusions of the writer will be found to be much at variance with those of Father Hughes.

The author has relied almost invariably for the main facts upon original sources, such as the Maryland State Archives, printed and manuscript, the Archives of other States, documents, and colonial papers. The works of men who have written contemporaneously with the events they narrate, and the standard historians, are frequently quoted.

Every quotation in this volume, as well as every reference, has been taken by the writer *directly* from the source mentioned. When reference is made to Archives without any other designation, the Maryland State Archives are intended.

The author finds great pleasure in expressing his appreciation of the interest taken in the progress of this work by his Eminence, the Cardinal, by the Very Reverend Dr. Shahan, of the Catholic University; Rev. J. T. Whelan, Mr. Michael Jenkins, and other kind friends. His acknowledgments are also due to the officials of the Peabody and Pratt Libraries, Baltimore, of the Congressional Library, Washington, of the Maryland Historical Society, whose Assistant Librarian, Mr. George W. McCreary, has been unfailing in his courtesy.

THE AUTHOR.





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# MARYLAND; THE LAND OF SANCTUARY.

## CHAPTER I.

To Maryland belongs the peerless distinction of being in modern times "The Land of Sanctuary." Here the persecuted for conscience' sake of every creed might find an end of persecution and a peaceful home. The Prelatist excluded from the haven of Plymouth Rock by the Pilgrims of the Mayflower, the Puritan self-righteous, but self-denying, driven from England and Virginia, the Quaker, peaceful yet fanatical, hounded from every spot where he would build a cabin he might call his home, as well as the Jew, rejected by all, found in Maryland a welcome and an abode of peace. The landing at St. Clement's Island, on the 25th of March, 1634, of the little band of Pilgrims, who later founded the settlement of St. Mary's, marks a distinct era in the religious history of the world, for then and there religious liberty gained its first foothold among the nations of the earth. A review of the liberal principles which guided George and Cecilius Calvert, the founders of Maryland, as well as a brief historical setting to outline the events

which prepared the way for and led up to the application of those principles will be found useful and necessary for a correct view and appreciation of this important subject.

A careful though brief consideration of the question of religious liberty will be all-important, for upon few subjects has so much been said and written at random.

The principle of *absolute* religious liberty cannot be admitted by any civil government; such a principle would be subversive of its own authority. No State can permit what would undermine the foundations of social order. That there have been religions which would have had this effect cannot be denied. Suppose a religion prescribing the sacrifice of human victims, or practising the degrading cult of Astarte, what nation to-day would tolerate it? No civilized government could afford liberty to such as John Brockhold, alias John of Leyden, one of the first Anabaptists of Germany, who declared himself king of Zion, married eleven wives at the same time, as a testimony to his belief in polygamy, and whose disciples, after the manner of the second century Adamites, ran naked through the streets of Amsterdam, howling "woe, woe, the wrath of God."<sup>1</sup> Nor can we imagine any civilized government permitting the excesses indulged in by some of the Quakers in colonial

<sup>1</sup> Mosheim's *Eccles. Hist.*, translated by Maclaïne, vol. II, notes, p. 131, Baltimore, 1837.



days.<sup>1</sup> Suppose Proudhon's dogma, "property is theft,"<sup>2</sup> were based and promulgated on religious grounds, what country in the world would tolerate it! Notwithstanding the broad assertion of religious freedom in the Constitution, absolute religious liberty does not and could not exist in the United

<sup>1</sup>Some shameless occurrences are narrated by the old Quaker authors, who seem to be wholly oblivious of the heinousness of the indecencies related, regarding them as Divinely inspired actions, and calling down the vengeance of heaven upon the authorities that refused to tolerate these peculiar manifestations of grace. Joseph Besse, a leading Quaker, who wrote of the treatment of his brethren in the Colonies, naïvely chronicles the following incident: "Remarkable was the case of Lydia Wardell. . . She found herself concerned to go to their Assembly in a very unusual manner, and such as was exceedingly hard and self-denying to her natural disposition, she being a woman of exemplary modesty in all her behavior. The duty and concern she lay under was that of going into their church at Newbury naked, as a token of that miserable condition which she esteemed them in, and as testimony against their wretched inhumanity of stripping and whipping innocent women as they had done." The woman was arrested and punished for this. Besse continues, "This cruel sentence was publicly executed on a woman of exemplary virtue and unspotted chastity for her obedience to what she believed the spirit of the Lord had enjoined her to do." Another example given by this same author is that of Deborah Wilson, "a young woman of very modest and retired life and sober conversation, who having passed naked through the streets as a sign against the cruelty and oppressions of their rulers, was sentenced to be whipped."—(Joseph Besse, *A Collection of the Sufferings of the People Culled Quakers*, II, pp. 235–36.)

<sup>2</sup>"Sa théorie de la propriété, et sa fameuse définition: 'C'est le vol.'" Proudhon, "Sa Vie et Sa Correspondence," par Ste-Beuve, p. 44, Paris, 1875.

States. Mormonism is not tolerated, nor would the people of this country countenance marriage according to the Mosaic dispensation. But if the State accepts the principle of unlimited toleration, by what right can it exclude any of these? Religious liberty, without restriction, being the law of the land, it is unjust for the State to punish a man who, on the ground that self-interest is the only true morality, will practice polygamy, defraud, or kill another. He will plead that he acts according to his conscience, and if you grant that his conscience is unlimited in its scope, wherein is the justice of his punishment?

On the other hand, to exclude all religion would be suicidal to the civil government. "If you take from the people the sweet yoke of religion, you leave government no other course than the vigilance of police and the force of bayonets."<sup>1</sup> Take away religion and the State becomes a tyranny, exercising unwarranted authority over subjects without moral responsibility, or it inevitably drifts upon the shoals of anarchy. "For," says Burke, "we know, and what is better we feel inwardly, that religion is the basis of civil society."<sup>2</sup>

"Religion, blushing veils her sacred fires,  
And unawares morality expires."

—Pope's *Dunciad*.

<sup>1</sup> J. Balmez, *Protestantism and Catholicism*, p. 389.

<sup>2</sup> Burke, *Reflections on the Revolution in France*, vol. II, p. 362.

Where, then, is the line to be drawn? The practical principle of our time is that the civil government should regard the natural truths and foundations of religion as the foundations of its own authority, and prohibit any form of religion that is not in accord with this. No liberty is granted to religions hostile to morality and personal freedom, and which inculcate the denial of civil duties and responsibilities. Such is the attitude of the United States in regard to religious liberty. By the law and custom of this country, the Church and the individual are entirely independent of the State, as to religious belief, practice and discipline, and the Church may not interfere in civil affairs, except in so far as by offering its beliefs to all, it exercises an influence upon public morality. No one can be compelled by the government to contribute to the support of any religious denomination. The clergy are subject to all civil laws and courts of law, as well as the laity. The State cannot discriminate among the denominations in the granting of concessions, or in the bestowing of favors, the rights of all being the same, nor can it prefer one man before another on account of religious convictions. All citizens, no matter to what religious denomination they belong are entitled to all civic rights, to the franchise, to testify in court, to hold property, and to benefit by inheritance. The Church in the eyes of the law is a corporate body, with full rights to

the benefit of the law, but is regarded as a corporation having no special privileges by reason of its ecclesiastical character: it may expect no favor in legislative decisions. Yet withal, the State will not tolerate any religious body whose doctrines and practice would conflict with public morality or set at nought the obligations of the civil laws. Thus, even under our liberal form of government the State cannot afford to allow unbridled religious liberty.

The utmost that is consistent with the very existence of the civil government is a *limited* religious liberty. Nor can we agree with those who seem to hold that a multiplicity of warring religious beliefs is the ideal of social perfection. The conditions that necessitate even a limited toleration of all beliefs will ever prove more or less dangerous to the welfare of the people according as religious convictions are more or less strong, or according as they are maintained by men more or less ignorant and narrow. When it is needlessly proclaimed it is an invitation to sectarianism, with its inevitable disunions and discussions; it is perilous to the peace of a community. The closer the union between the civil and religious authority, as long as each aids the other, and neither encroaches upon the domain of the other, the better will it be for both and the more secure will be the peace of the people. "But when religious liberty has been inevitably

produced by the force of circumstances, and has been established by treaties or legislation" the law and the treaties should be respected.<sup>1</sup> "A Catholic ruler is justified in granting a limited religious liberty, as above explained, in two cases for the welfare of the people. The first occurs, when to refuse religious liberty would be more injurious than to grant it; and the second, when the grant would be accompanied by greater good than the refusal. . . . The same reasons that warrant a Catholic ruler in tolerating other religions, and giving his sanction to liberty of worship, warrant him also in granting perfect equality in all civil relations. Of this equality the dissidents ought never again to be deprived; the rights secured to them by charter and oath must be respected in every case; and the accusation that the Catholic doctrine teaches that no faith is to be kept with heretics is totally unfounded."<sup>2</sup>

Freedom of worship is not, as many have imagined, an invention of modern times. In 313 Constantine,

<sup>1</sup> Hergenröther, *The Catholic Church and the Civil State*, I, p. 363.

<sup>2</sup> Hergenröther, *ibid.*, pp. 364-365; cfr. H. Hallam, *Constitutional History of England*, 2 vols., 1882, p. 158; Balmez, *ibid.*, pp. 194-195.

Religious liberty and religious toleration are not indeed synonymous, since toleration implies the allowance of something about the morality of which there is at least a doubt. But the terms have become by usage so nearly synonymous that I shall use one for the other without further explanation.

by the edict of Milan, disestablished Paganism, and granted toleration to all. "When we," so reads the edict, "Constantine and Licinius, Emperors, had an interview at Milan . . . we considered it to be according to sound judgment and right reason, that absolutely no one should be denied leave to devote himself to the practice of Christianity, or to any other religion which he should feel to be most fitting for himself, that thus the Supreme Divinity, to whose worship with willingness we devote ourselves, might continue to vouchsafe His favor and beneficence to us."<sup>1</sup> After the defeat of Licinius, he issued (323) his famous "Proclamation to the Peoples of the East." He says: "And now I implore Thee Almighty God to be gracious and kind to Thine Eastern peoples. . . . Not without cause, oh Holy God, do I prefer this prayer to Thee, the Lord of all. I hasten then to devote all my powers to the restoration of Thy most holy dwelling place, which those profane and impious men have marred by the rude and destroying hand of violence. My own

<sup>1</sup> "Cum feliciter, tam ego Constantinus Augustus, quam etiam ego Licinius Augustus apud Mediolanum convenissimus . . . hoc consilio salubri ac rectissima ratione ineundum esse credidimus, ut nulli omnino facultatem abnegandam putaremus, qui vel observationi christianorum, vel ei religioni mentem suam dederat quam ipsi sibi aptissimam esse sentiret; ut possit nobis summa divinitas, cujus religioni liberis mentibus obsequimur, in omnibus solitum favorem suum benevolentiamque preestare." —(*Lactantii Opera Omnia. De Morte Persecut.*, XLVIII. Editio Migne, Paris, 1844.)

desire is for the general advantage of the world and all mankind, that thy people should enjoy a life of peace and undisturbed concord. Let those, therefore, that are led astray by error, be made welcome to the same degree of peace and tranquility which they have who believe. For it may be that this restoration of equality to all, will avail much in leading them into the right path. Let no one molest another. What the soul of each one counsels, that let him do. Only let men of sound judgment be assured of this, that those only can lead a life of purity and holiness whom Thou callest to an acquiescence in Thy holy laws. With regard to those, who will hold themselves aloof from us, let them have, if they please, their temples of lies; *we* have the glorious edifice of Truth, which Thou hast given us as our native home. We pray, however, that they, too, may receive the same blessing, and thus experience that heart-felt joy which unity of sentiment inspires. . . . As for those who will not allow themselves to be cured of their error, let them not attribute this to any but themselves. For that remedy, which is of sovereign and healing virtue, is openly placed within the reach of all. Only let all beware lest they inflict an injury on that religion, which experience itself testifies to be pure and undefiled. Henceforth, therefore, let us all enjoy in common the privilege placed within our reach, I mean the blessings of peace; and let us endeavor to keep our conscience pure from all that is contrary

to it. . . . Once more, let none use to the detriment of another that which he may himself have received on conviction of its truth ; but let everyone apply what he has understood and known to the benefit of his neighbor, if possible ; if otherwise let him relinquish the attempt. For it is one thing to undertake voluntarily the conflict for immortality, another to compel others to do so from the fear of punishment. These are our words, and we have enlarged on these topics more than our ordinary clemency would have dictated, because we are unwilling to dissemble, or be false to the true faith.”<sup>1</sup>

Theodosius in 380 established Christianity as the State religion. Thenceforth Church and State for hundreds of years existed together in the close and intimate union of the same belief, each supreme in its own particular domain, in its offices, functions, laws and administration : independent indeed as organizations, yet dependent, in a measure, as powers ; the civil authority of the State upholding the Church, the spiritual might of the Church commanding obedience to the State. But the Church in saving the social organism of the West gained a decided superiority over the civil power. Henceforth, until the Reformation, we find sometimes the State, sometimes the Church preponderating in influence, but always a union between the two.

<sup>1</sup> Eusebii Pamphili, *De Vita Constantini*, lib. II, cap. LV-LX. Edition of Valesius (Greek and Latin), Paris, 1678.



Among many there seems to prevail the belief that the revolt of Luther was the beginning of religious liberty. Nothing could be further from the truth. "The Reformation," as Cobb remarks, "did not introduce liberty. . . . It was given to the nations to choose Romanist or Protestant, . . . but once the choice was made, the Church became a national church."<sup>1</sup> The multiform character of Protestantism, its divisions and subdivisions, afforded a wide field for selection, but the form of belief decided upon and that particular organization adopted, the principles for which it stood become an integral part of the nation's thought and existence.<sup>2</sup> Nowhere in modern times has this union been more complete and more lasting than in England. Born of the Crown, its beliefs, functions and discipline defined by the State—the Anglican Communion is the same to-day as at the time of its conception—a creature of the Power that called it into being. It is contended by some that the Church of England was never "established;" that it developed

<sup>1</sup> Sanford Cobb, *Rise of Religious Liberty in America*, p. 65.

<sup>2</sup> "One of the most remarkable things," says Cobb, "in that age of the Reformation, is the tenacity with which the general Protestant mind clung to the idea that an intimate union of Church and State was necessary to the purity of religion and the perpetuity of the Government." The union of Church and State was accepted by Luther and defended by Calvin; it was received by the first and second Helvetic Confessions, and adopted by Zwinglius.—(*Ibid.*, 47–51.)

naturally without being instituted by either the power of Parliament or by any authority emanating from the king. It is difficult to understand by what intricate windings of reason this conclusion can be reached, but when a man sets his back against the wall of a foregone conclusion, or still worse of an invincible delusion, it is useless to argue. Most certainly it cannot be denied, except by ignoring an historical event, that the Church of England was non-existent as a separate institution until after its creation by Parliamentary legislation in 1538. Before that time the church of England was a part of the Church of Rome, its spiritual head was the Sovereign Pontiff. This is admirably illustrated by the wording of *Magna Charta* which is granted "to the honor of God and the exultation of *Holy Church* . . . by the advice of our venerable Fathers, Stephen, Archbishop of Canterbury, primate of all England and Cardinal of the *Holy Roman Church*," the archbishops, bishops, barons, and the Papal legate, Pandulf, and by virtue of which "the *English Church* shall be free."<sup>1</sup> By a legal process the "Church of England" came into being and was made a distinct State organization with the spiritual authority vested in the Crown. It was from the civil power that it derived its existence, its right to hold certain doctrines and to recite a certain formula of prayer. The Anglican church is supported by the nation; its bishops sit in the House

<sup>1</sup> See Appendix G.

of Lords; it is subject to the Crown, which appoints all its highest dignitaries, and to Parliament, which prescribes its form, beliefs, functions and polity. Citizenship, instead of faith and personal fitness, qualifies one for admission into its fold, and the members of parishes have no voice in the appointment or selection of those given to them as pastors. Thus England to-day presents to the world the most persistent example of a nation's unchanging belief in the necessity of a union between Church and State. It is not surprising then that during the sixteenth and seventeenth centuries in England, Catholic, Independent, Jew and Puritan, all felt the crushing pressure of the dreadful penal laws. The Puritans, indeed, were from time to time relieved from their disabilities, yet, when in power, they, too, rent their persecutors in turn with terrible enactments of their own. The Catholic and the Jew, however, remained throughout the legitimate quarry of the intolerant spirit of the age, hunted down remorselessly, persecuted relentlessly, feared and disabled.<sup>1</sup> The "Test" was not abolished until 1828, and many minor disabilities continued until recent years. Cromwell vigorously enforced the penal laws against Catholics, depriving them of civic rights and the franchise. On refusal to abjure their faith two-thirds of their estates were forfeited (1656).<sup>2</sup>

<sup>1</sup> See Penal Laws under James I and Charles I, Parliament in 1648, I William and Mary, 11 and 12 of William. See Appendices A, M, X; also Gardiner, I, p. 232.

<sup>2</sup> *Scobell's Collections*, Chap. XVI.

Under the Toleration Act of William non-conformists were subject to civil disabilities. In Ireland, where the Catholics were numerically in power, they experienced all the rigors of the laws enacted against them. They had no rights as *citizens*, hardly any as *men*. They were ineligible for office, they had no voice in the government, and no rights under the law. They were not permitted to receive Catholic education at home or to be sent abroad for that purpose; the union between a Protestant and a Catholic was adjudged illegal, and the priest who had performed the ceremony was sentenced to death. Registration of all Catholic priests was ordered under pain of banishment, and a return to the country after conviction was punished with death on the scaffold. Speaking of this Act John Morley says: "The severity of the persecution exercised by the Protestants of Ireland against the Catholics exceeded that of the ten historic persecutions of the Christian Church."<sup>1</sup> "Protestants," he says, "love to dwell upon the Revocation of the Edict of Nantes, of the proscriptions of Philip II, of the Inquisition. Let them turn candidly to the history of Ireland from 1691 down to 1798, and they will perceive that the diabolical proscriptions of the penal laws and the frenzied atrocities with which the Protestants suppressed the Catholic rising at the close of the century, are absolutely unsurpassed in history."<sup>2</sup>

<sup>1</sup> Morley's *Life of Burke*, p. 108.

<sup>2</sup> Morley's *Edmund Burke*, an Historical Study, p. 191.

Our present subject leads us to a review particularly of the disabilities against Catholics about the beginning of the seventeenth century. Their oppression at this time in England was well-nigh intolerable. The hatred for their faith, easily fanned into a flame by the lust for their possessions, denied them the protection guaranteed by the time-honored Christian laws of their country. In this there was little justice. If a few fanatics had given occasion for suspicion, the leading Catholics had given ample proof of their loyalty.<sup>1</sup> When threatened by the Armada, "the Catholics in every county repaired to the standard of the Lord-lieutenant. The venerable Lord Montague brought a troop of horse to the Queen at Tilbury, commanded by himself, his son and his grandson."<sup>2</sup> "This law," said Lord Montague (referring to the Act of 1562, obliging all officials but peers to take the oath of supremacy), "is not necessary ; for as much as the Catholics of this realm disturb not nor hinder the public affairs of the realm, neither spiritual nor temporal."<sup>3</sup> Montague was committed to the Tower on account of his outspoken utterances.<sup>4</sup> Neither allegiance nor devotion could save the adherents of the old faith of England from cruel persecution, and "the rack

<sup>1</sup> Gardiner's *History of England*, vol. I, p. 264.

<sup>2</sup> Hallam, *Const. Hist.*, vol. I, p. 168.

<sup>3</sup> Hallam, *Const. Hist.*, vol. I, p. 125.

<sup>4</sup> Gardiner, *ibid.*, I, p. 203.

seldom stood idle in the Tower for all the latter part of Elizabeth's reign."<sup>1</sup>

Whatever hopes the Catholics and Puritans entertained of relief on the accession of James I, in 1603, were soon dispelled.<sup>2</sup> Neither gratitude to Catholics for their loyalty to his mother, Mary, Queen of Scots, nor attachment to the Kirk of Scotland, in which he had been reared, played any considerable part in the policy of James. James was as much of a puzzle to his contemporaries as he has since been to historians.<sup>3</sup> By both it has been thought at times that he leaned to Catholicism. The desire to placate the influential Catholic nobility may explain this. His conduct was consistent throughout with the purpose he had in view. His religion and his politics were centered in one object and aim—the interests of James. The Catholics acknowledged the Pope as the head of the Church, the Puritans admitted no earthly head, while the Church of England conferred upon the king both titles and too often bowed down before him in abject servility.<sup>4</sup> James was shrewd enough to adjust his religion to his ambition.<sup>5</sup> He conformed to the established Church. Not even the Tudors showed such utter disregard for English fundamental liberties as did the Lords, clerical and lay, under James. "The

<sup>1</sup> Hallam, vol. I, p. 154.

<sup>2</sup> Cfr. *ibid.*, note, p. 295.

<sup>3</sup> Cfr. Gardiner, *ibid.*, III, 347.

<sup>4</sup> Hallam, *ibid.*, p. 317.

<sup>5</sup> Cfr. Gardiner, I, p. 75.

sea-ports are the king's gates, he may open and shut them to whom he pleases,"<sup>1</sup> announced chief Baron Fleming and Baron Clarke, in judgment for the crown against a merchant. "The king is above law by his absolute power"—he may disregard his coronation oath, and break all laws, inasmuch as they were not made to bind him, but to benefit the people.<sup>2</sup> "It is atheism and blasphemy," said James to the Star Chamber, in 1616, "to dispute what God can do—so it is presumption and high contempt in a subject to dispute what a king can do, or say that a king cannot do this and cannot do that."<sup>3</sup> Thus, with a king claiming infallibility for his policy, as well as for his dogmas, and with the clergy of the establishment servilely submissive, England had well-nigh abandoned its liberties to a despot.<sup>4</sup> Little toleration could be expected by either Catholic or Puritan from a king holding such views, except such as accorded with either his interest, or his caprice when his interest was not at stake. To one who reads the laws of 1606, enacted against recusants, it is not strange that many sought the security of home in exile. The wonder is that more did not avail themselves of the opportunity. Between a king claiming absolutism, supported by

<sup>1</sup> Hallam, vol. I, p. 314.

<sup>2</sup> Hallam, vol. I, p. 320.

<sup>3</sup> Quoted by Hallam, vol. I, note 327, *King James' Works*, p. 557.

<sup>4</sup> Hallam, *Const. Hist.*, vol. I, p. 220; Bancroft, *History of the United States*, vol. I, p. 239, and Gardiner, II, p. 21.

the clergy of the Establishment on one hand, and a Commons, fanatical in its bitterness towards the Church, Catholics were in a sorry plight. They were moral lepers, not permitted within ten miles of London, virtually outlawed, shut out from professions, banded from civic rights and offices, their houses subject to search, their property to confiscation, and their wealth was speedily swept into the royal revenues by the forced payment of enormous fines.<sup>1</sup> Catholic children, disinherited by the penal laws, saw their lands pass to their Protestant next of kin. "The political and religious hatred," says Brantly, "with which the mass of the English people regarded the Church of Rome was increasing in bitterness, and the Parliament of 1625 had besought the king to enforce more strictly the penal statutes against the recusants."<sup>2</sup>

<sup>1</sup> "Protestantism was never thought of by them as a rule of life. It was a mere State contrivance, to be supported and encouraged for political reasons, or, at the most, a standard round which they might gather to fling defiance at their enemies. The one truth, which admitted of no doubt whatever, was that money was worth having."—(Gardiner, III, p. 238.)

The increase of the Catholics was one cause of the jealousy that excited the persecution. In 1604, from January to August in the diocese of Chester, the Catholics had increased from 2,400 to 3,433.—(Gardiner, I, p. 202.) See Appendix A.

<sup>2</sup> William T. Brantly, *The English in Maryland*, p. 523, vol. III, of Justin Winsor's *Narrative and Critical History of America*.

"The Roman Catholic inhabitants of this kingdom had been for many years the objects of increasing dread and antipathy to all



We may well believe that Charles I, if left to follow the dictates of his naturally easy-going disposition, would have been averse to persecution. His marriage to Henriette Marie would, moreover, have induced him to measures of justice toward Catholics. But the increasing insolence of the Puritan fanatics, their constant accusations against him of showing favor to his Catholic subjects, induced him to make at least a pretense of enforcing the penal laws. His shifty conduct was the cause of frequent quarrels between himself and the queen,

other classes of their fellow-subjects, and had experienced from the British Government a progressive severity of persecution. . . . The accession of the House of Stuart to the English throne produced no less disappointment to the Catholics than to the Puritans of England. The favor which the Catholics had expected from the birth and character of James I was intercepted by the necessity of his situation, while the hopes which the Puritans derived from his early education and habits were frustrated by the flattery of their Protestant adversaries, and his unexpected display of rancor and aversion towards themselves. . . . An increased apprehension of personal danger prompted James to employ more than once his royal proclamations to quicken, instead of restraining, the execution of the penal laws. And although the deliberate sentiments, both of this monarch and his successor, were averse to the infliction of the extreme legal rigor on the Catholics, yet, to discerning eyes, the advantage of this circumstance was more than counterbalanced by the increasing influence of the Puritans in the English House of Commons and the increasing propagation of Puritan sentiments in the minds of the English people."—(James Grabame, *History of the U. S. of N. A.*, II, pp. 7-8. Cfr. Gardiner, I, pp. 203-221-230-287-290.)

who considered herself the defender of the Catholics.<sup>1</sup>

Although a stop was put to the prosecution of recusants upon signing the marriage treaty in Paris,<sup>2</sup> yet a petition against the Catholic recusants was presented to King Charles after his accession in 1625, and to all of its demands he assented. According to this petition no popish recusants were permitted to come within the Court; the laws against the Jesuits and seminary priests, and Catholics in general, were to be enforced; land grants to recusants were to be void; recusants were to be disarmed, to remain within five miles of their homes; Eng-

<sup>1</sup>Henriette Marie was only fifteen years of age when she was married to Charles, who was twenty-four. "The young wife had been taught to regard herself as entrusted with the mission of comforting and protecting the members of her own Church. She had not crossed the sea forgetting her own people and her father's house. Nor was Charles likely to fill a large space in her imagination. He was punctilious, harsh when contradicted, and without resource in moments of emergency."—(Gardiner, v, p. 333.) "She (Henriette Marie) had come to England in the full persuasion that her presence would relieve the English Catholics. She had scarcely set foot in the island when she learned that the orders which were to have saved them from the penalties of the law, had been countermanded. It is not improbable that if the secrets of those days of married life could be rendered up, we should hear of the young wife's stormy upbraidings of the man who had beguiled her into taking upon herself the marriage vow by promises which he now found it convenient to repudiate."—(*Ibid.*, p. 376.)

<sup>2</sup>*Acta Regia*, iv, p. 301.

lish children were to be recalled from foreign seminaries.<sup>1</sup>

In such an uncertain condition of affairs, knowing not what to hope or fear, the Catholics looked beyond the confines of England for the security of an English home.

At this epoch of political ferment and religious intolerance in England, George Calvert became the pioneer of religious toleration by illustrating in practice the broad Catholic doctrine that, "however, convinced anyone may be of the truth of his own religion, he may let others live in peace without belonging to it,"<sup>2</sup> and fulfil towards them with joy and zeal all the duties of fraternal love enjoined by the Catholic Church.<sup>3</sup> "It was," says Manning, "by conviction of the reason and persuasion of the will that the world-wide unity of faith and communion were slowly built up among the nations. When once shattered, nothing but conviction and persuasion can restore it. Lord Baltimore was surrounded by a multitude scattered by the wreck of the Tudor

<sup>1</sup> *History of England*, II, pp. 241-42, by M. Rapin de Thoyras, continued from the Revolution to the Accession of George II, by N. Tindal. Charles' offer of religious liberty to the Irish Catholics was "A mere shifty expedient from which nothing good was to be expected."—(Gardiner, x, pp. 7, 46.) "At the time when the Maryland colony was projected by Lord Baltimore, the Catholics were under the displeasure of the State in England; they were incapacitated for all civil offices, and forbidden the exercise of their religion."—(Burnap, p. 170.) Cfr. Appendix A.

<sup>2</sup> Balmez, note 25 to p. 203.

<sup>3</sup> Hergenröther, II, p. 353.

persecutions; he knew that God alone could build them up again into unity, but that the equity of charity might enable them to protect and help each other, and to promote the common weal.”<sup>1</sup>

The idea of religious liberty was not new in George Calvert's day. A century before two of the most eminent men of Europe, both Catholics, had heralded the new order necessitated by the new conditions of society. These precursors of religious toleration in modern times both lived about the same time, each the chancellor in his own country—the one in France, the other in England. They had close resemblances in character; both of calm, judicial temperament, adhering to principles in spite of dishonor and death; both were scholars; both far-seeing beyond the men of their own times and forecasting religious tolerance as one of the potent remedies in alleviation of the disturbances and woes that soon after them befell their respective countries. The one was Michel de L'Hospital,<sup>2</sup> and the other was Sir Thomas More.<sup>3</sup> L'Hospital maintained that “all citizens who obey the laws and perform their duties to their country and their neighbor have an equal right to the advantages which civil

<sup>1</sup> Manning's *Vatican Decrees in their Bearing on Civil Allegiance*, pp. 91-92, London, 1875.

<sup>2</sup> Michel de L'Hospital, born in 1505, was Chancellor of France during the Huguenot disturbances.

<sup>3</sup> Sir Thomas More, Lord High Chancellor of England, was born in 1478, and beheaded by order of Henry VIII in 1535.

society confers ; those only deserve the protection and rewards of law ; the wicked Catholic and wicked Protestant are equally deserving of legal punishment. It certainly is very desirable, he said, that no cause whatever of division should exist among the citizens of the State, and, of course, that there should be no heretics. But to bring back heretics to the fold, charity, patience and prayer, are the only arms which the Divine Founder of our religion Himself used to draw nations to Him. The thunder of heaven was at His command, but He refused it to the prayer of the two unwise disciples, who wished it hurled on the unbelieving Samaritans.”<sup>1</sup> “L’Hospital calls the Huguenots ‘les fleaux de sa vengeance,’ sent by God, as the Babylonians had been sent against Jerusalem, and it is for Frenchmen to accept the warning, to amend their lives, to seek out and correct the cause of the evil, rather than to continue in their wickedness and use the pretext of religious zeal as an excuse for brigandage. L’Hospital thought it better to leave the religious question to work out its own solution, while he directed his efforts towards correcting such evils and abuses as were within the sphere of human power to set right.”<sup>2</sup> The enemies of the Chancellor made an effort to weaken his influence by impugning his faith, but Cardinal Ferrara, the Ambassador

<sup>1</sup> Butler’s *L’Hospital*, pp. 28–29.

<sup>2</sup> Atkinson, quoting *L’Hospital*, pp. 161–162.

of the Pope to France, writing to Cardinal Borromeo, says: "It would be impossible to fix on L'Hospital the imputation of heresy; as he was seen regularly at Mass, at confession and communion."<sup>1</sup> He endeavored to put his doctrines into practice amidst the disorders of France in his day, but his political enemies at length undermined his influence with the queen, Catherine de Medicis, and he resigned. Butler says: "L'Hospital acted up to his principles; from his elevation to the office of chancellor, till the moment when the seals were taken from him, he labored incessantly in the glorious cause of religious toleration."<sup>2</sup>

Sir Thomas More sets forth in *Utopia* an ideal State, in which peace and concord reign undisturbed. It is not supposed, of course, that the saintly chancellor proposed *Utopia* as *his* ideal State in every respect. The Catholic religion was dearer to him than his life, as he died a martyr to his faith. But the ideal state, pictured by More, best served the purpose he had in mind which was to show the advantages of peace, forbearance and charity. In *Utopia* (from the Greek, meaning "Nowhere") philosophy, irony, wit and stinging satire, hold up a mirror to the governments of England, and the other European nations, in which they could see their inconsistencies. He says: "At the first constitution of their government, Utopus, hav-

<sup>1</sup> Butler, p. 74.

<sup>2</sup> *Ibid.*, p. 30.

ing understood that before his coming among them, the old inhabitants had been engaged in great quarrels concerning religion, by which they were divided among themselves . . . , made a law that every man might be of what religion he pleased, and might endeavor to draw others to it by the force of argument and by amicable and modest ways, but without bitterness against those of other opinions; but that he ought to use no other force than that of persuasion, and was neither to mix with it reproaches nor violence. . . . This law was made by Utopus, not only for preserving the public peace which he saw suffered much from daily contentions and irreconcilable heats, but because he thought the interests of religion itself required it.”<sup>1</sup>

That George and Cecilius Calvert were familiar with More's *Utopia* seems to be most probable. While Lord Baltimore was planning his colony in Maryland, Father Henry More was among the most prominent Jesuits in England.<sup>2</sup> At this time the relations between the Lords Baltimore and the Jesuits were most friendly; in fact, the latter seem to have played a very important part in planning and projecting the Maryland venture, as well as in acting as the spiritual advisers of the Proprietaries. We may well believe that Father More, who soon

<sup>1</sup> Henry Morley, *More's Utopia*, p. 151. Cfr. also *Sir Thomas More*, by the Rev. T. E. Bridgett, p. 101 *et seq.*

<sup>2</sup> Hughes, I, p. 62.

after became the provincial in England, was one of the chief councillors of the Lords Baltimore in a project which was of deep interest to the Jesuits at that time. In his suggestions to them, it would be surprising if the great-grandson of Sir Thomas More had not adverted to the story of the saintly Lord High Chancellor.<sup>1</sup> With a comprehensive view of the conditions, political and religious, prevailing in his time, deeply convinced of the truths of the Catholic Church, and acting under the guidance of his spiritual advisers, with a rare insight, moreover, into the character of the king, with whom he was dealing, George Calvert was the first in modern times who showed the ability to design a

<sup>1</sup>Sir Thomas More had three daughters, Margaret Roper, Elizabeth Dauncey and Cecilia Heron, and one son *John*. John More was the father of five sons: Thomas, Augustine, Edward, a second Thomas, and Bartholomew. Of these, Thomas, the eldest, had thirteen children, eight daughters and five sons, one of whom, Henry, born 1567, became a priest—Father Henry More, S. J. With the death of Thomas More, Jesuit Provincial, in 1795, "it is supposed that the whole male progeny of Sir Thomas More became extinct." Hunter's Preface to the *Life of Sir Thomas More*, by His Great-Grandson Cresacre More, London, 1828. Cfr. also *Sir Thomas More*, by the Rev. T. E. Bridgett, p. 451.

"Father Henry More, the English Provincial for the Society of Jesus, was the Lord Proprietor's chief spiritual adviser. He is said to have agreed to give his support in adopting and applying the principle of toleration, and at the same time to have offered the assistance of his Society in the colonizing enterprise." —Newton Meerness, *Maryland as a Proprietary Province*, p. 426; Cfr. Hughes, I, pp. 246, 250, 251.



government insuring religious liberty, which for half a century, under his son Cecilus, "who walked in his father's footsteps," was successful in its purpose, despite fickle monarchs and political revolutions in the mother-country, and notwithstanding bitter, calumnious enemies in the colony itself.

Years before Lord Baltimore's project was conceived other designs had been set on foot, other plans had been formed to establish a colony wherein religious toleration might prevail, and Catholics be free from the penal disabilities of the mother-country. In 1582 Sir Humphrey Gilbert, Sir George Peckham and Sir Thomas Gerrard formed a plan to establish a colony where recusants should be able to live free from the penal laws of England. By their charter they were empowered to make laws, "so as they be not against the true Christian faith, or religion now professed in the Church of England." They took possession of Newfoundland in 1583; but by the loss of Gilbert and all hands at sea afterward, the enterprise came to an end.<sup>1</sup> About 1604 a Catholic gentleman, Mr. Winslade, proposed a plan whereby 1,000 Catholics were to be transported to the Western continent to avoid the persecutions in England. The Rev. Robert Parsons, S. J., then rector of the English College in Rome, was consulted about the plan. He considered the

<sup>1</sup> J. S. M. Anderson, *Hist. of the Church of England in the Colonies*, I, pp. 46-61; Scharf's *History of Maryland*, I, note, p. 32; Bozman's *History of Maryland*, vol. I, pp. 47-60.

carrying out of such an enterprise as morally impossible, for the following reasons: because the king would not allow it, and because Catholics would be either unwilling or unable to go; because to make collections on the Continent for such a purpose would not be agreeable to Catholics in England, and would probably excite the ridicule and ill-will of the Protestants; Catholicity in England would suffer by the diminution of the Catholic body; it would be almost impossible, moreover, to muster emigrants for such a voyage; a project of this nature would likely excite the jealousy of Spain, and if Spain did not approve, the other Catholic princes would be unable to help: lastly, their success in a wild, unknown land among savages, would be doubtful. This enterprise finally resulted in failure.<sup>1</sup>

Thus, while others before them had planned, projected and attempted a colony, in which every man should be free to worship God according to his conscience, George Calvert and his son Cecilius were the first in modern times to design and establish an abiding sanctuary wherein those persecuted for conscience' sake might find a home.

The religious history of Maryland naturally divides itself into five periods. The first period dates from the founding of the colony in 1634 to Ingle's Rebellion in 1644-46.<sup>2</sup> The incompleteness of the records

<sup>1</sup> Shea's *Catholic Church in Colonial Days*, pp. 25-28; also Hughes, pp. 153-55.

<sup>2</sup> Chapters II-VII.

for this period leaves much to be desired for a perfect understanding of the conditions and events which characterize it.<sup>1</sup> However, from the documents at hand, especially from the *Legislative Archives* still extant, and the correspondence in the *Calvert Papers*, sufficient light is cast on the scene to enable us to form a fair conclusion. One fact particularly stands forth in no uncertain light. The documents we have, prove beyond doubt that religious liberty prevailed in Maryland from the beginning; that this policy was adopted voluntarily by Lord Baltimore, gladly accepted by his Catholic colonists, and faithfully adhered to by both Proprietary and people. During this period the most happy relations existed among the settlers, and their intercourse with the Indians was marked by a friendliness and cordiality which finds no parallel in the other colonies. This, the golden era of Maryland history, was ruthlessly brought to an end by the insurrection of Ingle in 1644-46.

The second period dates from the termination of Ingle's Rebellion in 1646 to the close of the Puritan Rebellion in 1658.<sup>2</sup> Those upon whom the government of the province had hitherto devolved were nearly all Catholics, though doubtless many of the colonists who emigrated to Maryland during this

<sup>1</sup>The records were destroyed by Ingle and his associates.—John V. L. McMahon, *Historical View of the Government of Maryland*, p. 17, note, Baltimore, 1831; Bacon's *Preface*.

<sup>2</sup>Chapters VIII-X.

period were of the Protestant faith. The majority of these latter, however, came over as redemptioners.<sup>1</sup> By a generous provision of Lord Baltimore, found in no other colony at the time, these redemptioners, regardless of their religious beliefs, were allowed the franchise as soon as they became freemen. The number of Protestants, thus given a voice in the government of the colony, was augmented by immigration from Virginia after 1643. In that year the Virginia Assembly passed a law by which all non-conformists should be expelled. The Puritans thus banished, taking advantage of the invitation proffered by the Maryland colony, took up their residence at a place on the Severn river, near what is now Annapolis, to which they gave the name of Providence. It was not long, however, before they were troubled with scruples of conscience, because their benefactors enjoyed the same liberty of conscience as themselves. These murmurings of an

<sup>1</sup>A redemptioner was one who, unable to pay his passage money, contracted with a merchant to advance sufficient funds for that purpose, and in return the redemptioner agreed to serve from two to five years the colonist who should buy his services. After serving their time these redemptioners became freemen. "The usual terms of binding a servant is for five years; but for any artificer, or one that shall deserve more than ordinary, the Adventurer shall do well to shorten that time, and add encouragements of another nature (as he shall see cause) rather than to want such a useful man. . . . At the end of the said term to give him (the servant) one whole year's provision of corn and fifty acres of land."—(*A Relation of Maryland*, London, ed. 1635; Hawks' Reprint, New York, 1865.)

advancing storm induced the Catholic majority in the Assembly of 1649 to pass the famous Act of Religious Toleration. In 1650 the Protestants outnumbered the Catholics in the Assembly, and in 1652 the Puritans revolted against the government of Lord Baltimore. The success of the Puritan party and the accession of Cromwell in England gave new zest to the Puritan zeal in Maryland. Governor Stone, who had been appointed by Lord Baltimore, although a Protestant, was deposed by the insurgents, and Wm. Fuller, a Puritan from the Severn, was put in his place. An Assembly was called, whose first ordinance was an "Act Concerning Religion," by which both Catholics and Episcopalians were disfranchised. The Catholic missionaries were compelled to leave the colony. This unhappy state of affairs continued until 1658, when the Proprietary was again restored to power and religious liberty once more became the law of Maryland.

The third period begins in 1658, with the restoration of the proprietary government, and continued to the year 1692, when King William made Maryland a royal province and sent Sir Lionel Copley as the first royal governor.<sup>1</sup> The Puritan power had been broken in Maryland, as in England, and, although during the period that followed, some unsavory events remind us that Puritanism still

<sup>1</sup> Chapters XI-XV.

lived in the colony, it never again obtained the ascendancy. As a whole this period was one of quiet and peace in the province. Under the wise and firm administration of Cecilius, Catholic, Episcopalian, Presbyterian, Quaker and Jew lived in peace. On the death of Cecilius in 1675, his son Charles, who was at the time governor of Maryland, succeeded his father as Proprietary. After approving of such salutary laws, as his experience had taught him were needful for the welfare of his province, he went to England. There he was met by complaints from the Episcopalians of his colony, but having averted this blow aimed at his government, he returned to Maryland. The spirit of discontent, however, gained apace in the colony. Lord Baltimore was a Catholic and this was more than the Protestants could endure. Having no just complaint against the Proprietary, some restless spirits among the Episcopalians and Presbyterians set to work to stir up bigotry by denouncing the government as Popish, Jesuitical, etc. Later they resorted to baser means, and the most preposterous calumnies were invented and disseminated among the people. It was said that the Catholics had leagued with the Indians to murder all the Protestants. Finally, in 1689 the insurgents seized the government. Writing then to England they begged William, who had just ascended the throne, to make Maryland a royal Protestant province. William readily yielded to requests that accorded so well

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with his own desires, and commissioned Sir Lionel Copley as the first royal governor who arrived in Maryland in 1692.

The fourth period begins with the administration of Sir Lionel Copley, and ends with the treaty of Paris, 1763.<sup>1</sup> Upon Copley's arrival there followed a series of laws against the Catholics, which became so intolerable as to induce them, towards the middle of the century, to apply to the king of France for leave to settle in French territory. The Episcopalian church was made the established church of Maryland. Catholics were not allowed freedom of worship, nor were they permitted to educate their own children. They were disfranchised and taxed twice as much as others, besides being subjected to innumerable petty vexations, such as ignorant, small souls are wont to make use of to annoy those against whom their jealousy, bigotry and cupidity are excited.

The fifth period begins about the time when France ceded its Canadian possessions to England by the treaty of Paris.<sup>2</sup> To defray the expenses of the war England began its policy of taxing the colonies. This the colonies resented. As the tension between the mother-country and the colonies increased, the latter saw the necessity of uniting in their common cause. At the same time it became evident that in order to oppose the mother-country

<sup>1</sup> Chapters XVI-XXII.

<sup>2</sup> Chapters XXIII-XXIV.

no reason for dissension should exist among the people themselves. In consequence the laws against Catholics were relaxed. For both patriots and royalists sought to enlist their good will and co-operation. The Catholics, however, espoused the cause of the patriots. Shortly before the open rupture with England took place, the law disfranchising Catholics was repealed. By the amendment to the Constitution, passed in 1777, Maryland returned after eighty-five years to the religious freedom which had been the law under Lord Baltimore and the early Catholic settlers.

Lord Baltimore and the Maryland Catholics were a century and a half in advance of their times. It would seem but natural to expect that after the different religious denominations had experienced in Maryland the blessings of liberty under Catholic auspices, they would have been made broad-minded enough to appreciate the advantages of such a policy and would have been desirous of continuing it. The facts, however, show the contrary. The Puritans hardly obtained a foothold before they set about to restrict all who did not agree with them. The Episcopalians felt grievously wronged at this, yet when Episcopalians obtained the upper hand, they adopted towards others and especially Catholics, the very policy, the injustice of which they realized so keenly when exercised towards themselves. The Quakers imagined they had a grievance when they were compelled to obey the civil laws under the



Catholic regime, and they certainly had a just ground of complaint under the Episcopalian government, yet, strange to say, it was the Quaker who brought the Jew to trial and conviction on religious grounds. Presbyterian, Episcopalian, Quaker, and Jew found a refuge in the Catholic "Land of Sanctuary," yet the Catholic alone found no friend to raise a voice in his defense when intolerance deprived him of rights and privileges which he had freely granted to all. Volumes of specious arguments have been written to explain away these facts, but the facts remain. They are recorded in the *Archives* of the State and other documents which cannot be gainsaid. "Facts are stubborn things."

## CHAPTER II.

George Calvert was born at Kipling,<sup>1</sup> Yorkshire, England, about 1579.<sup>2</sup> His father was Leonard Calvert, his mother was Alicia Crossland. At an early age he entered Trinity College, Oxford, and took his bachelor's degree. Later in life, becoming a close friend of James I, he had a seat in his first parliament. About 1605 he married his first wife, Anne, daughter of John Mynne, and in the same

<sup>1</sup> J. L. Bozman (*History of Maryland*, 2 vols., Baltimore, 1837; vol. 1, note to p. 232) says: "No place called Kipling, said to be the birthplace of Sir George Calvert . . . appears on any map or in any common description of Yorkshire. It may, therefore, be supposed to have been erroneously written for Ripley, which is a small town in the West Riding of Yorkshire."

In his will George Calvert speaks of his relatives at "Kiplie." —(*Calvert Papers*, I, p. 49.) In *Calvert Papers*, MSS. documents, Calvert refers to Kipling, which he gives in trust to Cecilius. Cfr. Appendix B.

<sup>2</sup> "There is some difference among writers as to the year of his birth; some placing it in 1580, and others in 1582; one cause of these disagreements is the mispunctuation of a sentence in Wood's *Athenae*, by which he is made fifteen years old at the time of leaving, instead of entering, the University. It is by no means probable that he became a Commoner at Oxford at the age of eleven, and if he was fifteen when he entered, he was 53 years old when he died, which would make the year of his birth about 1579." —(*Streeter's MS.*, quoted by J. G. Morris, *The Lords Baltimore*, p. 7.)



*John Ballman*



year he received his master's degree at Oxford.<sup>1</sup> Soon after this he was made private secretary to Sir Robert Cecil, the Secretary of State, and was given an office in Ireland resembling that of Attorney-General. The year after Cecil's death (1613), he was appointed clerk to the Privy Council and was employed by the king, whose favorite he was, in several commissions to Ireland and France.

Out of regard for his services the king conferred upon him in 1617 the Order of Knighthood, and two years later elevated him to the office of principal Secretary of State, a position somewhat like that of a modern prime-minister. He was made one of the commissioners for the office of treasurer, 1620, and in the momentous Parliament of 1621, as well as afterwards he often acted as the king's confidential spokesman.<sup>2</sup> Tillières, the French Ambassador, describes him as the most important man in public affairs after Buckingham, but "honorable, sensible and well-minded."<sup>3</sup> James, indeed, held him in the highest regard, and in consideration of his faithful services, granted him in 1621, a manor of 2,300

<sup>1</sup> It has been questioned whether he married a second time. But there cannot be the slightest doubt that he did. The name of his second wife was Joan. See Appendix B.

<sup>2</sup> S. R. Gardiner, *History of England, from the Accession of James I to the Outbreak of the Civil War, 1603-1642*, iv and v, *passim*.

<sup>3</sup> Quoted by Clayton C. Hall, *The Lords Baltimore*, p. 10, Baltimore, 1902.

acres in County Longford, Ireland.<sup>1</sup> He sat for Oxford in the Parliament of 1624, and soon after this, having declared himself a convert to Catholicism, he resigned his secretaryship, and asked to be retired to private life.<sup>2</sup> Despite this the King

<sup>1</sup> "His great knowledge of public business and his diligence and fidelity conciliated the regard of the king, who gave him a pension of £1,000 out of the customs."—(Allen's *American Biographical Dictionary*, p. 187, Boston, 1857; Tindal-Rapin's *History of England*, II, p. 225.)

<sup>2</sup> Bozman, I, p. 246; George Parke Fisher, *Colonial Era*, I, p. 63, New York, 1892; Woodrow Wilson, *History of the American People*, 5 vols., p. 129, New York and London, 1902.

"He freely confessed to the king," says Fuller, "that he was then a Roman Catholic, so that he must be wanting in his trust or violate his conscience in the charging of his office. This, his ingenuity, so highly affected King James that he continued the Privy Councillor all his reign, . . . and soon after created him Lord Baltimore of Baltimore in Ireland."—(Fuller, *Worthies of England*, 3 vols., pp. 417-418, London, 1860.)

"In 1624 he [Calvert] became a Roman Catholic, and having disclosed his new principles to the king, resigned his office."—(Allen's *Amer. Biog. Dict.*, p. 187.)

For a full discussion of the time of Calvert's conversion the reader is referred to the "Discourse on the Life and Character of George Calvert," by J. P. Kennedy, *Life and Character of George Calvert*, (Annual Addresses, *Md. Hist. Soc. Pub.* II, 1844-66) and to the review of the same by Mr. B. U. Campbell and Mr. Michael Courtney Jenkins, *ibid.*, and the reply of Mr. Kennedy to his reviewer, *ibid.* The argument of Mr. Kennedy that Calvert had long been a Roman Catholic in disguise is shown to be the romance of the novelist. Cfr. Streeter's *Maryland Two Hundred Years Ago*, p. 9, note.

Cfr. Salvetti's "Account of the conversion of George Calvert," in *Beginners of a Nation*, by Edward Eggleston, p. 260; also Archbishop Abbot's, *ibid.*, 259.

retained him in the Privy Council and elevated him to the Irish Peerage as Baron Baltimore of Baltimore, in the County of Longford.<sup>1</sup>

Sir George Calvert began to turn towards the Catholic faith in 1620, when "he drooped and kept out of the way"—but nothing was revealed of his state of mind until February, 1625, when he made known his change of faith to the king and then went to the North of England with Sir Tobias Matthews to be received into the Church.—*Aspinwall Papers*, pp. 98–99.—Sketch of Sir Tobias Matthews, *ibid.*, pp. 81–100.

<sup>1</sup> Bozman, I, 248–49, says: "According to some he was created Lord Baltimore in the year 1623 [Beatson's *Polit. Index*, III, 147], but this seems to be plainly contradicted by the Virginia Commission of July 15, 1624, in which he is styled by the king himself, 'Sir George Calvert, Knight,' which title would certainly not have been used in such a commission had he then been a peer. Belknap and Allen, his American biographers, seem to be more correct, who state him to have been created Baron of Baltimore in 1625, when he most probably received this honor from Charles I, shortly after the death of his father, James, and Sir George's resignation of the Secretary."

Cfr. John Fiske, *Old Virginia and her Neighbors*, I, 256, Boston, 1897; Wilsen, I, 129; Morris, I, p. 15.

"Whereas our dear father, King James of blessed memory, did by his letters patent bearing date the 7th day of April, in the *twenty-first year of his reign*, grant unto the late Lord Baltimore, by the name of *Sir George Calvert, Knight* (then principal Secretary of State), and to his heirs, a certain region in Newfoundland . . ., etc."—(*Maryland Archives*, III, p. 55; Letter of Charles I, to Commission for Foreign Plantations, May, 1637.)

James I succeeded Elizabeth on March 24, 1603, old style, 1604 new style,—the twenty-first year of his reign would be 1624 old style, 1625 new style. McMahon, p. 9, says he was raised to the peerage in 1625.

The word Baltimore, up to the time of Charles, 5th Lord Baltimore, was spelled Baltemore, with an occasional Baltimore or Baltimore, apparently by accident. Cfr. *Archives, Calvert Papers passim*.

The high place he held in the king's regard, his importance in public affairs, as well as a description of the man himself, may be gleaned from the words of the patent of nobility conferred upon him by James. "We, therefore, nearly considering in the person of our well-beloved and entirely faithful Councillor, George Calvert, knight, gravity of manners, singular gifts of mind, candour, integrity and prudence, as well as benignity and urbanity towards all men, and also reflecting in our mind with how great fidelity, diligence and alacrity he has served us, both in our kingdom of Ireland, whither not long ago, he was specially sent upon our weighty and most important business there, as also in this our kingdom of England, throughout many years, but especially since he was advanced near our person to the place and honor of a Councillor and our principal Secretary; and willing that some singular mark of our royal favor may remain unto the aforesaid George and unto his posterity forever, by which not only he, but others also may perceive how highly we prize the fidelity and obedience of the said George, and how much we desire to reward his virtues and merits, we have decreed him to be inscribed among the number of the peers of our said kingdom of Ireland: know ye, therefore, that we of our special grace and of our sure knowledge and mere motion, have exalted, preferred and created the aforesaid George Calvert, knight, unto the estate, degree and dignity of Baron



Baltimore of Baltimore within our kingdom of Ireland.”<sup>1</sup>

His original patent for the manor of Longford, which had been granted under condition that all settlers should “be conformable in point of religion,” he surrendered when he became a Catholic, receiving it back, however, with the religious clause omitted.<sup>2</sup> James died a few weeks after, but Charles continued his favor to Lord Baltimore, and wishing to retain him in his council he offered to dispense with the oath of supremacy.<sup>3</sup> But Baltimore, realizing that the duties of such an office would conflict with his faith, insisted upon retiring. He had long before this been interested in schemes of colonization and in 1620 had purchased a planta-

<sup>1</sup> *Calvert Papers*, I, pp. 43-48.

<sup>2</sup> This argues against Kennedy's opinion that Lord Baltimore had “been attached to the Church of Rome from an early period of his life.”—Kennedy, p. 30.—*Annals of Maryland*, p. 30, *Md. Hist. Fund Pub.*, II, 1844-66.

<sup>3</sup> “Your old friend, Sir George Calvert, professed himself openly a Catholic before the Council; and, as my L. of C. [Lord of Chalcodon] writes to me, had continued in the Council, if he would have taken the oath of allegiance, which is tendered to the Catholics.”—(*Stonyhurst MSS.*, Anglia A, VIII, f. 175, quoted by Hughes, in *Hist. of S. J. in N. A.*, p. 179, date Jan. 20, 1625-6.

“There is no evidence that Calvert's conversion was due to any sinister motive. The Church of Rome offered him in his distress of mind a surer peace than the deeply stirred Church of England, or the aggressive fold of the Puritans.”—(Wilhelm, note, p. 168.)

tion in Newfoundland, which he called Avalon.<sup>1</sup> By a grant of 1623 Avalon was erected into a province and Calvert was given a Palatinate, or quasi-royal authority.<sup>2</sup> Desiring to see for himself the conditions in his province, and with the purpose apparently of establishing a colony wherein all should be free to worship God according to their conscience, in 1627, after his retirement from office, he visited his settlement, which was known as Ferryland.<sup>3</sup> Among those who accompanied him were the two Secular priests, Fathers Longueville and Smith.<sup>4</sup> Lord Baltimore afterwards made a second voyage to Avalon, bringing with him Rev. Father Hackett, a Secular priest. At this time there were at least two Secular priests in Newfoundland.<sup>5</sup> Rev. Anthony Smith or Rivers, and Rev. Father Hackett. The Protestants in the colony likewise had their ministers. Rev. Mr. James, after spending one winter on the island, had returned to England. During the second visit of Lord Baltimore to

<sup>1</sup> "He [Calvert] gave it this name after the old Avalon in Somersetshire, which was so called from Avalonius, a monk who was supposed to have converted the British King Lucius and his Court to Christianity."—(Fuller, III, p. 418.)

<sup>2</sup> Chalmers (Geo.), *Revolt of the American Colonies*, p. 61, Boston, 1848.

<sup>3</sup> Bozman, I, p. 249, who also refers to Chalmers, ch. IX, and Oldmixon, vol. I, p. 5.

<sup>4</sup> "Soon afterwards some other secular priests and Carmelites went to Avalon and two Jesuits also went there about Easter, 1629, but returned before the following Christmas."—(Hughes, *Hist. of S. J. in N. America*, pp. 190, 192.)

<sup>5</sup> *Ibid.*

Avalon, there resided there another Protestant minister, the Rev. Erasmus Stourton, who, on returning to England, showed his gratitude to Lord Baltimore by laying a charge that his patron was having Mass said in his chapel and showing favor to Catholics.<sup>1</sup> Thus in his first trial of a liberal policy was he given a taste of that intolerance, of which his son and successor, Cecilius, was destined to have many bitter experiences. With Lord Baltimore's failure to set up a colony at Avalon his attempt to establish religious toleration at that time came to naught.<sup>2</sup> In this venture Calvert's fortune was seriously impaired. He spent £20,000, from which there was scarcely any return.<sup>3</sup> Nothing daunted, however, by this failure, his purpose re-

<sup>1</sup> Colonial Papers, Public Record Office, referred to in Hughes, *Hist. of S. J.*, pp. 180, 194; Browne's *Maryland*, p. 10; Fiske, I, p. 261.

<sup>2</sup> The Charter of Avalon (dated 1623; Bozman, vol. I, p. 240) affords in section iv a loophole for Lord Baltimore to escape from inflicting upon his colony the religious disabilities in force in the mother-country. This section, though not as broad as section iv of the Maryland Charter, has apparently the same object in view, *i. e.*, to give to the grantee the opportunity—without saying so much explicitly—of omitting in founding his colony the disabling acts against recusants. As he dictated the Charter (McMahon, I, p. 154) it is likely that Calvert was preparing the way for the difficulties which would follow the change of faith he was then contemplating. See Appendix C.

<sup>3</sup> In Cecilius Calvert's "Declaration to the Lords," he says: "The Lord Baltimore's father having disbursed near £20,000, besides the hazard of his own person, in a plantation in New-foundland."—(*Calvert Papers*, I, p. 222.)

mained unshaken.<sup>1</sup> The king invited him to return to England and give over such enterprises, promising at the same time to be his friend, but before the letter of the king arrived, Calvert sailed for Virginia, and arrived at Jamestown October 1st, 1629.<sup>2</sup> "He was," says Meerness, "received with coldness and a spirit of contempt by the Governor and Council of the Province. Such treatment was provoked by Lord Baltimore's Catholic faith, and by the unwillingness of the Virginians to have a new province carved out of the territory. . . . As if, therefore, with the hope of driving away the unwelcome intruder, the Governor and the Council, with no authority for so doing, tendered to him the oath of supremacy and allegiance."<sup>3</sup> This was certainly a most presumptuous proceeding towards one who, with the Archbishop of Canterbury, the

<sup>1</sup> Calvert's letter to the king from Ferryland.—(*Archives*, III, pp. 15-16.) Finding the winters of Newfoundland too severe for successful plantation in 1629, he resolved to abandon the colony. The king's answer:

"... We out of our princely regard for you, and well weighing that men of your condition and breeding are fitter for other employments . . . . advise you to desist from further prosecuting your designs that way and to return back to your native country, where you should be sure to enjoy both the liberty of a subject and such respect from us as your former services and late endeavors do so justly deserve."—(Scharf, I, pp. 45-46.)

<sup>2</sup> On this voyage to Virginia Lord Baltimore was probably accompanied by the two Secular priests, Fathers Hackett and Smith.—(*Hist. of S. J. in N. America*, p. 199.)

<sup>3</sup> Meerness, *Md. as a Prop. Province*, p. 11; *Archives*, III, pp. 16-17.

Lord Treasurer, the Earl Marshal, and other high dignitaries of the kingdom, had sat in the Council upon Virginia affairs as late as 1623.<sup>1</sup> "In offering it [the oath] they incurred the penalties of a high contempt."<sup>2</sup> Bozman doubts the legal power of the Assembly to tender these oaths to his Lordship. "The Charters which gave such powers had been annulled . . . . The Assembly was but a self-created body; moreover, if these oaths were tendered to him by two Justices of the Peace of the Province, the statutes which enabled two justices to do so expressly excepted noblemen from their jurisdiction."<sup>3</sup> Baltimore offered to take the oath of allegiance, but being a Catholic refused to take the oath of supremacy.<sup>4</sup> Anderson says, "He [Calvert] had been led to his act [entering the Catholic Church] by no blind impulse. In the fulness of matured manhood and enlarged experience he had resigned the dignities and emoluments of office and retired from his native country, had sought a settlement in Virginia, and in that province had been so zealous to preserve intact the spiritual authority to which he was newly rendered subject as to refuse to take the oath of supremacy and allegiance to his king."<sup>5</sup> Returning to England he

<sup>1</sup> *Virginia Hist. Coll.*, Va. Co., 1619-24.

<sup>2</sup> Browne's *Maryland*, p. 16.

<sup>3</sup> I, pp. 255-256.

<sup>4</sup> *Md. Archives*, III, pp. 16-17.

<sup>5</sup> J. S. M. Anderson, *History of the Church of England in the Colonies and Foreign Dependencies*, I, pp. 479-80, London, 1850.

、 Lord Baltimore offered to take the oath of allegiance, *supra*.

obtained from Charles a grant south of the James River, but meeting opposition from Claiborne and others from Virginia,<sup>1</sup> he asked for and obtained the grant of Maryland.<sup>2</sup> Before, however, the charter passed the great seal Lord Baltimore died, April 15, 1632.<sup>3</sup>

<sup>1</sup> Fiske, *ibid.*, I, p. 265.

<sup>2</sup> "Crescentia seems to have been the name originally intended by Baltimore. ('Crescite et Multiplicamini' appeared upon the coins struck in 1659 during the administration of the First Proprietary, . . . The date at which this motto first came into use in Maryland has not been ascertained."—(Hall's *Great Seal of Maryland*, p. 36.) "It was placed upon the Great Seal of Maryland in 1854."—(*Ibid.*, p. 34.)) The king suggested "Marianna" as a name for the colony, but to this Lord Baltimore objected. Charles then proposed Terra Mariæ (Maryland), in honor of his Queen, Henriette Marie, daughter of Henry IV of France, and so it was concluded.—(Ayescough and Sloane mss., in British Museum, quoted by J. Thomas Scharf, *History of Maryland*, 3 vols., p. 52, Baltimore, 1879.)

<sup>3</sup> "Being returned into England he died in London, April 15, 1632, being in the 53rd year of his age."—(Fuller, II, p. 418.) Also, Chalmers' *Revolt of the Colonies*, vol. I, p. 61.

Shortly after Lord Baltimore applied for his Charter, another Catholic, Sir Edmund Plowden, a descendant of the famous lawyer of that name in the time of Elizabeth, and whose descendants are represented in Maryland in the children of Mr. Austin Jenkins, (Mr. E. Austin Jenkins, Mrs. Michael Jenkins, Mr. Francis Jenkins, Mrs. Spotswood Garland and Mrs. Nicholas Kernan), obtained a patent for what is now New Jersey and Long Island. He came over in 1642, and nearly lost his life by the mutiny of his crew. His plan was to set up a colony which should be a refuge for all Christians, and secure religious freedom for Catholics. But no settlement was effected.—(John G. Shea, *The Catholic Church in Colonial Days*, I, pp. 86-87, 204, New York, 1886, and *Catholic World*, p. 204, November, 1880.)

George Calvert admirably illustrated in his life a combination of qualities too rarely found in great men. Having to deal with great political affairs, he was a statesman of the highest order, but at the same time he proved himself to be a man of the most scrupulous integrity. He rose from the ranks to the highest position of trust in the kingdom, without having recourse to any sinister, fraudulent means, but by sheer force of merit; and then, having reached ambition's summit, he voluntarily resigned all for conscience' sake, and became an exile from his native land. Impartial non-Catholic historians have vied with one another in praise of his character. "He was," says Hall, "judicious, prudent, tactful, and possessed of untiring industry, and above all, living in the midst of a most scandalously corrupt Court, his integrity was never questioned during his lifetime. His course was uniformly consistent."<sup>1</sup> "He adhered to his political and altered his religious opinions," says Dr. Browne, "when his constancy and change were alike fatal to his advancement; and he died leaving a name without reproach from friend or enemy."<sup>2</sup> "Lord Baltimore, his eulogists say, was a man of truly exalted character. He conducted himself with such moderation and propriety, that all religious bodies were pleased and none complained of him. He was a man of great good

<sup>1</sup> Hall, *ibid.*, p. 23.

<sup>2</sup> Browne's *Maryland*, p. 17.

sense, not obstinate in his opinions, taking as much pleasure in hearing the sentiments of others as in delivering his own."<sup>1</sup> "Frank honesty marked his character," says Hawks,<sup>2</sup> "and one trait will be dwelt upon by the benevolent mind with peculiar pleasure,—his humanity." According to Woodrow Wilson, "there was much to admire in his courtesy, his tact and moderation, his unobtrusive devotion to affairs, . . . and both in public and private he behaved himself like a man of honor."<sup>3</sup> "Yet no statue, bust or monument on either side of the Atlantic, perpetuates the memory of George Calvert," says Dr. Browne.<sup>4</sup> "Though he was a Roman Catholic," quotes Burnap, "he kept himself sincere and disengaged from all interests, and was the only statesman, that being engaged to a decried party, managed his business with that great respect for all sides that all who knew him applauded him, and none that had anything to do with him complained of him. . . . Judge Popham and he agreed in the public design of foreign plantations, but differed in the means of managing them. The first was for extirpating the original inhabitants, the second for converting them ;

<sup>1</sup> Morris, p. 26, quoting Belknap, II, p. 369.

<sup>2</sup> Rev. F. L. Hawks, *Ecclesiastical Contributions*, vol. II, pp. 18-19, New York, 1839.

<sup>3</sup> *Hist. of the American People*, I, p. 128.

<sup>4</sup> *George and Cecilius Calvert*, p. 34. There is a statue at Calvert Hall, Baltimore, which is the only reminder of this truly great man.



the former sent the lewdest people to those places, the latter was for the soberest; the one was for making present profit, the other for a reasonable expectation, liking to have few governors, and those not interested merchants, but unconcerned gentlemen, granting liberty with great caution and leaving everyone to provide for himself by his own industry and not out of the common stock.”<sup>1</sup> “He deserves,” says Bancroft, “to rank among the most wise and beneficent law-givers of all times.”<sup>2</sup> Says Wilhelm, “His integrity [after access to power] remained unimpaired; his sense of justice, his principles of rectitude remained unaltered; his hands remained clean and his conscience remained unseared at a period in British history, unexampled for its unbridled corruption, and its refined immorality.”<sup>3</sup> . . . In the very year that a law was enacted in Massachusetts, disfranchising the non-Church members [1631], Calvert was drawing up his charter, securing toleration and protection to all creeds and parties.<sup>4</sup> In his correspondence there runs a vein of kindness, sympathy and courage. Possessing a strong will and a sound judgment, he moved along quietly, doing his work thoroughly and conscientiously. His ambition was lofty but legitimate; it did not carry

<sup>1</sup> W. Burnap, p. 22, quoting *Biographia Britannica and Life of Leonard Calvert*, Boston, 1864. (Sparks' Amer. Biog.)

<sup>2</sup> Bancroft, 10th ed., vol. I, p. 244.

<sup>3</sup> L. W. Wilhelm, *Sir George Calvert, Baron of Baltimore*, p. 167, Baltimore, 1883.

<sup>4</sup> *Ibid.*, p. 165.

him into intemperate zeal or corrupt practices.<sup>1</sup> In the darkest hour of his career, when he landed in England after his failure at Avalon, and his banishment from Virginia, and but a short time after the vessel bearing his wife had been wrecked, and his personal wealth lost in the ocean, and at a time when the Puritans were growing in numbers and strength, Calvert wrote to his old friend Wentworth a letter, August 12, 1630, breathing a spirit of generous benevolence: 'Thus your Lordship sees that we papists want not charity towards you Protestants whatever the less understanding part of the world think of us.'"<sup>2</sup>

The man of faith, indeed, nowhere reveals itself in his character more clearly than in another letter to Lord Strafford, his Protestant friend, wherein he writes, October 11, 1631: "Were not my occasions such as necessarily keep me here at this time, I would not send letters, but would fly to you myself with all speed I could to express my own grief and to take part in yours which I know is exceeding great for the loss of so noble a lady, so loving a wife. There are few, perhaps, can judge of it better than I, who have been a long time myself a man of sorrows. But all things, my Lord,

<sup>1</sup> *Ibid.*, p. 168.

<sup>2</sup> *Ibid.*, pp. 160-161. This letter was written on the occasion of the birth of the Prince, when, says Calvert, "masses and prayers" were offered in Spain by the Catholics for the health and prosperity of "our Prince."—(*Strafford's Letters and Despatches*, Radcliffe, I, p. 53.)

in this world pass away; wife, children, honor, wealth, friends, and what else is dear to flesh and blood. They are but lent us until God please to call for them back again, that we may not esteem anything our own or set our hearts upon anything but Him alone, Who only remains forever. I beseech His almighty goodness that your Lordship may, for His sake, bear this great cross with meekness and patience, whose only Son, our dear Lord and Saviour, bore a greater for you; and to consider that these humiliations, though they be very bitter, yet are they sovereign medicines ministered unto us by our Heavenly Physician to cure the sickness of our souls if the fault be not ours. Good my Lord, bear with this excess of zeal in a friend whose great affection to you transports him to dwell longer upon this melancholy theme than is needful for your Lordship, whose own wisdom, assisted with God's grace, I hope, suggests to you these and better resolutions than I can offer unto your remembrance."<sup>1</sup>

<sup>1</sup> *Strafford's Letters and Despatches*, Radcliffe, I, p. 59.

### CHAPTER III.

The Charter of Maryland was issued to Cecilius, the eldest son of George Calvert.<sup>1</sup> More important than the charter itself, Cecilius Calvert inherited the uprightness of character, the far-seeing statesmanship, the prudent executive ability of his father. He was born in 1606, and at the age of fifteen he entered Trinity College, Oxford. In 1629 he married Lady Anne Arundel, of Wardour.<sup>2</sup> His father died April 15, 1632, and on June 20 of the same year the charter was granted to Cecilius, the first proprie-

<sup>1</sup> He was christened by the name of Cecill, and afterwards confirmed by the name of Cecilius.—*British Museum*, MSS. Sloane, quoted by Hughes, p. 155, and also Scharf, vol. I, p. 53. When his name appears at the head of a document, it is almost always *Cecilius* in full, but when signing his name at the end it is generally "C. Baltemore." I have not found any place where he uses "Cecil," but "Cicell" is the spelling in his father's will. In the deed to his brother, Leonard, for the one-eighth interest in the *Dove*, we find *Cecill*, and it is signed Cecilius Baltimore.—*Calvert Papers*, III, p. 15.

<sup>2</sup> Fiske, I, 268, and Morris, p. 31. Brantz Mayer, *Calvert and Penn*, note, p. 23, quoting Bishop Goodman, I, p. 376, implies that this marriage influenced George Calvert in becoming a Catholic. That Cecilius Calvert did not marry until 1629, when he was twenty-three years of age, is proved by the existence of a document, dated March 20, 1628/9 (Doc. 39, Md. Hist. Soc. Coll., *Calvert MSS.*), which conveys land to Cecilius upon his marriage, provided he marries within the year. George Calvert, according to all, was a Catholic in 1624.

tary.<sup>1</sup> According to McMahon, who has written exhaustively upon the subject, "The Charter of Maryland was the most ample and sovereign that ever emanated from the British Crown."<sup>2</sup> By the charter Lord Baltimore and his heirs and successors were granted and confirmed in the proprietorship of the 'land, islands and islets, the lakes, rivers and bays;' were given ecclesiastical jurisdiction over the Palatinate, and power 'to ordain, make and enact laws with the advice and assent of the freemen of the province,' while in certain cases it lay within their right to legislate independently of the freemen assembled; with them rested the power to appoint judges, justices, magistrates and officers, to pardon and release either before or after judgment had been passed, to award process, to hold pleas, in the execution of the laws 'if it be necessary to deprive of member or life;' the colonists of his lordship did not surrender their title of Englishmen in leaving that country, they remained 'natives and liegemen' of the king, and the children born in the province were to be the same as the 'liege-men born' in England; they were to be accounted in possession of all the privileges, franchises and liberties of Englishmen; they could freely trade with

<sup>1</sup> "It was a grand fief for a young man only 26 years of age. But the subsequent laws, promulgated by him for the government of his principality, indicate that he was fully prepared to assume the responsibility."—(Lewis Wilhelm, "Local Institutions in Maryland," *J. H. U. Studies*, p. 10.)

<sup>2</sup> McMahon, I, p. 155.

and import from the mother-country, as well as with 'any power at amity' with it, no burden of taxation was ever to be laid upon them, neither customs, impositions, quotas, nor contributions; associated with the Proprietor they enacted their own laws which required no sanction from the home government; while to the other prerogatives of the Proprietary were added the 'unrestrained power of a captain-general to wage war, to exercise martial law freely, to erect towns into boroughs, boroughs into cities; to grant, devise, or assign lands, to be held of him and his heirs directly and not of the king'; finally, if hereafter, any doubts or questions should arise concerning the true sense and meaning of the charter, it is charged and commanded that 'that interpretation be applied which shall be found most beneficial, profitable and favorable to the Baron of Baltimore.'<sup>1</sup>

It was evidently the intention of the king that Lord Baltimore should establish a miniature kingdom, retaining all the salient points and distinguishing characteristics of a monarchical institution. All the regal prerogatives were vested in the 'Absolute Lord of Maryland and Avalon' whose only recognition of his sovereign's over-lordship, was expressed in the 'yielding of two Indian arrows every year in Easter week' to the king at Windsor, as a mark of fealty. But the absolutism thus placed in his power was set aside by Lord Baltimore, his royal powers yielded up with the truly

<sup>1</sup> Cfr. Appendix C.

royal grace of a kingly soul, no titles of nobility were conferred, and as soon as it was made known to him that the people desired him to relinquish legislative powers conferred upon him by his charter, he acceded to their wishes. Undoubtedly he 'followed in the footsteps of his father,' whose intention in so wording the charter as to give himself and his successors such sweeping sovereignty, was not to make use of that power for self-aggrandizement, but to defend his colony from royal interference, and to preserve intact for his colonists that principle of religious toleration which he had desired should always be theirs in the Land of Sanctuary.<sup>1</sup> It is the opinion of McMahon that "the proprietary might, doubtless, have as easily obtained a grant of legislative power to be exercised solely by himself, and quite as extensive; and the admission

<sup>1</sup>According to the charter the king granted Maryland upon these terms: "To hold of us, our heirs and successors, kings of England, as of our castle of Windsor, in our county of Berks, in free and common soccage by fealty only for all services, and not *in capite*, nor by knight's service, yielding, therefore, unto us, our heirs and successors, two INDIAN ARROWS of those parts, to be delivered at the said Castle of Windsor, every year in Tuesday in Easter week; and also the fifth part of the gold and silver ore, which shall happen, from time to time, to be found within the aforesaid limits." The term "common soccage" simply means that no other service or return of any kind would be required, other than the tender of the arrows and the fifths of gold and silver.—(Kilty's *Landholder's Assistant*, pp. 25-26, for Soccage Tenure; also McMahon, pp. 167-68.) In the Maryland Historical Society's Archives are preserved the receipts of the arrows for the first year's rent.

of the colonists to participate in it, at once evinces his sagacity and reflects lustre on his character. It was this exalted privilege that endeared his government to the people of Maryland.”<sup>1</sup> As Stockbridge remarks, “Lord Baltimore’s charter gave him little less than the power of an absolute monarch. It constituted him and his heirs ‘veros et absolutos dominos et proprietarios’ (true and absolute Lords and proprietaries) of the realm granted him; and this vested him with all power—civil, military, naval, and ecclesiastical—head of Church and State. . . . He is the entire government, the legislative, judicial, and executive. . . . It is true that the charter in giving ‘free, full, and absolute power to ordain, make and enact laws’ provides that this be done ‘with the advice, assent, and approbation of the freemen of the Province’—but this no more constituted them the legislative power than the requirement of the present day that certain appointments of the executive shall be subject to confirmation by the senate, constitutes the senate the appointing power.”<sup>2</sup>

Much has been said, and much written regarding the definition of the terms of the fourth section of the Maryland charter, by those who assume and endeavor to prove, that it was a provision for the establishment of the Church of England in the

<sup>1</sup> McMahon, p. 155.

<sup>2</sup> *Md. Hist. Soc. Fund Pub.* 22, pp. 4-6. A full explanation of the charter is to be found in McMahon, pp. 140-168.



colony. That this was the king's intention in granting the patent which was issued to Lord Baltimore under a misconception of the latter's religious attitude and subsequent plans,<sup>1</sup> is one view; another being that the king and Calvert connived in false representation and in hoodwinking the English people.<sup>2</sup> The terms of this part of the patent have been twisted and tortured into a variety of significations, and, "like a straight staff bent in the pool" of prejudice, have been viewed at whatever parallax best serves the purpose of the writers. Perhaps a better understanding of the real meaning might be gained, if both the letter and the spirit of the phrases were examined impartially and critically, the exact definition of the words well weighed, with the particular significance attached to them at that particular day; added to this, a dispassionate study of the principals to the instrument—the Lords Baltimore and the king.

The disputed words of the charter are those granting to Lord Baltimore "the Patronages and Avowsons of all churches, which (with the increasing worship and religion of Christ), within the said region . . . shall happen to be built . . . together with licence and faculty of erecting and founding churches, chapels and places of worship . . . , and of

<sup>1</sup> Rev. James S. M. Anderson, *The History of the Church of England, in the Colonies and Dependencies of the British Empire*, I, p. 479.

<sup>2</sup> *Id.*, I, p. 482, quoting Murray.

causing to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England . . . . as any Bishop of Durham within the Bishopric or county of Durham in our kingdom of England ever heretofore hath had . . . ., etc.”<sup>1</sup> It is argued, first of all, that the words “patronages” and “avowsons” refer to an institution of the Church of England, and that, therefore, into this phrase we must read the formal proclamation of that particular ecclesiastical organization being constituted the established Church of the Maryland colony. Next, it is contended, that by the “ecclesiastical laws of the kingdom of England” is meant the laws of Protestantism.

In the first place, an avowson is the right of presentation to a living in the “Church by Law Established,” and even granting its exclusive use in connection with the Church of England, it must not be lost sight of that avowsons were then held by Catholic peers of the realm, and this privilege, already Lord Baltimore’s in England, is further secured to him in his New World colony should he desire to make use of it.<sup>2</sup> He is neither enjoined

<sup>1</sup> See Appendix C.

<sup>2</sup> It was not till the Act of 1st William and Mary, chapter 26, that Parliament interfered with the rights of Catholics to present to religious benefices. That Act vested the presentation belonging to Catholics in the universities.—(*Statutes of the Realm*, printed by Command of His Majesty, King George III, from Original Records and Authentic Manuscripts, 7 vols., London, MDCCCXX, vol. VI, p. 92, 1688. See Appendix B.)

nor commanded to do so, but in his absolute and feudal character of Lord Proprietor, it lies within his jurisdiction to administer the ecclesiastical as well as the State affairs of his Palatinate.<sup>1</sup> He is placed in control of whatever he may decide to establish, or to allow others to establish. That he had the power, and that the establishment of the Anglican Church was not enjoined upon him in his charter is amply proven by his successor's refusal—his recognized legal right to refuse—to make special provision later on for Church of England clergymen, when this was petitioned for.<sup>2</sup> Then, too, the words "shall happen to be built" are far from meaning the same thing as "that must and shall be built," and in their tentativeness and uncertainty hardly argue the desire or conviction, on the part of the king, of such a condition arising. It seems, at the most, rather a provision for a contingency.

The next disputed phrase is "according to the ecclesiastical laws of our kingdom of England." Just here we must remember that, at that particular time of religious and political ferment, terms were sadly mixed. Words meant one thing to-day and another

<sup>1</sup> "Baltimore became under the charter virtual king and head of the Church in Maryland, if he chose to exercise supremacy. . . . His dominant purposes were to protect his persecuted brethren and to give freedom to all. . . . He knew there was no other way to gain these noble ends than to take into his own hand the direction of the religious affairs of his province, according to the method of the king in England."—(Cobb, p. 336.)

<sup>2</sup> *Maryland Archives*, v, p. 133.

to-morrow. Ideas and convictions were in solution and had not as yet crystallized into definite forms that could be easily classified. So the "ecclesiastical laws of England" and "the ecclesiastical laws of the Church of England" might mean the same thing or not according to the intention of him who used them. It would seem, indeed, that this term and not a more explicit one was used in order purposely to leave the exact meaning in doubt, so as to allow the grantor and grantee each to take his own meaning out of it.<sup>1</sup>

It does not appear then that the charter contains a single word that may positively be taken as meaning a reference to any religion except a belief in Jesus Christ. If a matter of such vital importance as the establishment of the Church of England had been intended, it would have been duly set forth with all the legal elaboration and exactness, with which it is treated in the charters of the other colonies, instead of being almost pointedly slurred over and veiled as in that of Maryland. The charters were granted expressly to meet the exigencies, to further the plans, and

<sup>1</sup>As to the clause, "the ecclesiastical laws of our kingdom of England," Sir Edward Northy, Attorney-General of England, in the following century gave this decision: "As to the said clause in the grant of the province of Maryland, I am of the opinion the same doth not give him power to do anything contrary to the ecclesiastical laws of England." "This is as ingeniously ambiguous as the clause itself."—(Eggleston, *The Beginners of a Nation*, p. 262.)

fulfil the earnest desires of the grantee. In accordance with this (to give a few examples), we see the Virginia patent setting forth in no uncertain terms, that "no person shall be allowed within the colony suspected to affect the superstitions of Rome," and the Georgia charter proclaiming, that "all except papists shall have free exercise of their religion." Penn's well-known tolerant spirit explains the absence of religious legislation in the patent of Pennsylvania, while the eloquent silence of the Massachusetts grant, regarding laws ecclesiastical, was evidently in accordance with the desire of the grantees to have the matter left in their own hands, that their policy might be entirely unchecked.<sup>1</sup> It would seem plain, that in granting to Lord Baltimore the Maryland charter, with its sweeping powers, "the most ample and sovereign that ever emanated from the British Crown,"<sup>2</sup> Charles was in no uncertainty as to Calvert's religious convictions and intentions, any more than he had been regarding those of the father of Cecilus. George Calvert's conversion, his sacrifice of worldly honor, his absolute integrity, and his religious zeal, were among the great things of that day.<sup>3</sup> In the opening words of the charter,

<sup>1</sup> William McDonald, *Select Charters and Other Documents, Illustrative of American History*, Virginia Charter, p. 16; *ibid.*, Georgia Charter, p. 244; *ibid.*, Pennsylvania Charter, pp. 183-199; *ibid.*, Massachusetts Charter, pp. 37-42.

<sup>2</sup> McMahon, p. 155.

<sup>3</sup> Bozman, I, 246; Fuller, 417-418; Scharf, I, 152-153, quoting Beverly, 1722, Wynne, 1776, *Md. Universal History*, 1780.

the king proclaims that the son has taken up the work where the father had laid it down,—“Cecilius, son and heir of George Calvert, treading in the steps of his father, animated with a laudable and pious zeal for extending the Christian religion.” Understanding, then, if not sympathizing with, Cecilius’ noble design of establishing religious toleration, Charles wished to go, in furtherance of it, as far as was possible. Had he desired to do more, which is not contended, it is doubtful if such a thing would have been practicable. The age was too violently intolerant, too much given to a white-hot intensity of persecution, his tenure of his throne was too uncertain for him to venture more than the oracular provisions of the charter, veiled and left in too indefinite a form for attack. Why should he pull the pillars of his house down on his head by speaking plainly of religious liberty to ears in which the sound would be anathema, and when, too, he was indifferent to religious liberty himself, and only well-disposed to Calvert personally? He went as far as he might safely go, and anticipating, as it were, the objections that would eventually arise from the very indeterminate character of the words used, in the 22nd section he goes back to the subject of religion, forestalling misunderstanding and wrong interpretation, and in terms most absolute constitutes Lord Baltimore the court of last resort.

This 22nd section of the Maryland charter has

given rise to much dispute and conjecture. It says: "If peradventure, hereafter it may happen, that any doubts or questions should arise concerning the true sense and meaning of any word, clause, or sentence contained in this, our present charter, we will, charge, and command, *that* interpretation be applied, always, and in all things, and in our courts and judicatories whatsoever to obtain, which shall be judged to be more beneficial, profitable and favorable to the aforesaid, now Baron of Baltimore, his heirs and assigns; provided always, that no interpretation thereof be made whereby God's holy and true Christian religion, or the allegiance due to us, our heirs, may in anywise suffer . . ., etc."<sup>1</sup> It has been asked what need there was for such a sweeping provision. Viewed in the light of the 4th section its purpose is evident. As we have seen the question of religion was designedly left indefinite. Objections against Lord Baltimore might in future arise from the vagueness of this section. The charter provides that if doubts arise in regard to the meaning of any part of it, including therefore the phrase, "The ecclesiastical laws of our kingdom of England," that interpretation should be "applied always and in all things which shall be judged to be more beneficial, profitable and favorable to the Baron of Baltimore." There could not be in the mind of Charles or any one who

<sup>1</sup> See Appendix C.

knew Lord Baltimore any doubt as to what church was the Church of England to him. He was a Catholic, and all knew it. To him the Church of England was the Catholic Church of *Magna Charta*. In as much as "his charter made him head of Church and State,"<sup>1</sup> the established church in Maryland, was the church which he might choose to establish. One stipulation only was made, the religion must be *Christian*, and the king's allegiance must not suffer.<sup>2</sup>

As to the allusion made to the Bishopric of Durham, those that pin their faith to this saving clause must not forget that Durham was Catholic for a thousand years before it ever became an appanage of Protestantism; that it is alluded to rather in a *temporal* than in a *spiritual* sense, not as a Bishopric but as a Palatinate, and that as a Palatinate, its glory, prestige, power and privileges were Catholic. Lord Baltimore, as a temporal Lord, was granted all the powers which went with the temporal Lordship of Durham. Durham is selected as a model for the Palatinate of Maryland, because "at the date of the Maryland Charter,"

<sup>1</sup> *Md. Hist. Soc. Fund Pub.*, No. 22, p. 6.

<sup>2</sup> Cfr. *Culvert and Penn*, by Brantz Mayer, p. 29.

In *Culvert and Penn*, Appendix 1, Mr. Brantz Mayer has a curious explanation of the words "Sacrosancta Dei et vera Christiana Religio"—God's Holy and true Christian Religion—which he renders "God's Holy Rights and True Christian Religion." But Scharf, vol. 1, p. 153, in a note shows how little authority there can be for such a translation. Cfr. also Streeter, *Maryland Two Hundred Years Ago*, pp. 71-76.



says Hall, "Durham alone remained of all the ancient Palatinates."<sup>1</sup>

It has been often observed by historians that the charter of Maryland was modeled after the *Magna Charta*. In so providing, Lord Baltimore wisely, no doubt purposely, forestalled the objections of his adversaries. If they objected to the charter on religious grounds, he might well answer that its provisions were copied from *Magna Charta*, and thus throw on them the burden of proof that the ecclesiastical laws of England, under James and Charles, were the same as those which obtained when *Magna Charta* was adopted as the fundamental law of England.

The charge that Baltimore wished to appear a Protestant, while in reality a devoted son of the

<sup>1</sup> Hall, p. 84. Cfr. Fiske, I, pp. 255-63; Kaye, *J. H. U. Studies*, 18th series, p. 45.

In regard to this clause in the charter, Cecilus says: ". . . As to those other words of royal jurisdiction we do hereby declare that it is intended by our said charter that we should have all such jurisdiction there as the Bishops of Durham at any time heretofore ever had, exercised or enjoyed, or might have exercised or enjoyed, in temporals, within the Bishopric or County Palatine of Durham, in the Kingdom of England. And we are well satisfied by learned council here, and such as are best read in antiquities, that the Bishops of Durham before Henry the Seventh his time—heretofore King of England, had and did exercise all royal jurisdiction within the said Bishopric or County Palatine, though of later years their jurisdiction was much diminished by an Act of Parliament made in the time of the said King Henry. And this we thought fit to signify unto you for your better satisfaction therein."—(*Archives*, I, pp. 263-264.)

Catholic Church, is almost too absurd for anyone honestly to believe.<sup>1</sup> His father's conversion and character, his own integrity and open profession of faith, were matters of national importance and note. At the time of the granting of the Maryland charter, his desire to furnish a home for his persecuted co-religionists was no secret;<sup>2</sup> he went about securing his colonists in the most open manner possible,<sup>3</sup> they were promised immunity from religious persecution, each man might worship God according to his conscience.<sup>4</sup> The fact that the greatest Catholic names of the realm<sup>5</sup> were associated with him in the enterprise, showed that men must have been well acquainted with the purpose of the colony's foundation. Still, more the famous "Objections,"<sup>6</sup> proposed and answered publicly at the time, must convince those who are willing to see, that, whatever were his state and diplomatic reasons for concurring with the king in the particular wording of the charter, he left not the world in ignorance of his beliefs, ideals and intentions. These objections show plainly that Lord Baltimore's plan for making Maryland a land of sanctuary for the persecuted of his own faith, and a place of religious toleration for all others, was a thing notorious throughout England, when the charter was granted. These

<sup>1</sup>Anderson, I, p. 479.

<sup>2</sup>Fiske, I, p. 271; Cobb, p. 367; Brantly, p. 523; Chalmers, *Annals*, p. 207.

<sup>3</sup>Johnson, pp. 23, 30; Cobb, p. 367. <sup>4</sup>*Archives*, v, pp. 267-68.

<sup>5</sup>Johnson, pp. 22, 23.

<sup>6</sup>Johnson, pp. 24-30.

plans seem to have been the cause of much heart-burning to the persecutors, who thus saw their legitimate quarry about to escape them. An unbelievable lack of humor on the part of the "Objectors," as well as a saving sense of it in the author of the answers, cannot escape us. The first objection shows that England must have been a-shudder with fear that if "licence" is granted for Catholics to depart the kingdom into Maryland, where they may have free liberty of their religion, there will be no further opportunity for their well-wishers (!) to persecute them into conformity. The second objection sets forth that such a licence will seem a toleration of popery (a kind of idolatry), which some should scruple to allow in any part of the king's dominions. To this the answer is made, that forced conversions avail little and that such scrupulous persons may as well have a scruple to let Catholics live in England, although it be under persecution, adding the comforting assurance that the horrors of the savage wilderness, the dangers and miseries of the life they are bound for, may be as bad as anything that can be provided for them by their kind friends at home. Also, that on the same ground they may scruple to allow Catholics to depart the realm for France, to trade with foreigners of that faith, or allow the idolatrous Indians to inhabit America. This being something they cannot prevent, they may as well suffer the idolatrous Catholics to live in that country also. Two other objections deal with the loss to the royal

revenues by the deprivation of the recusant fines, and the danger to the kingdom by the diminishing of the population, and the taking out of it so much wealth. This is answered by pointing out that, as the object of the laws is supposed to be the freeing of the kingdom from Catholics, not the blackmailing and mulcting of them, the end of the law is thus happily accomplished by the departure of the recusants from the realm. That their number is not so great as to make the exodus of all of them cause a sensible diminution of the population, and that they do not need to carry great sums of money with them. In the fifth objection all England trembles for the fate of New England and Virginia (evidently thought to be adjacent counties), when the Maryland planters shall rise to suppress Protestantism by calling in the Spaniards for that purpose; it fears that in time the planters may grow strong enough to do their own suppressing. Finally they may even in time shake off their dependence on the Crown of England. They are reassured, in reply, by the pointing out of a consoling fact, that of New England being 500 miles and Virginia 100 miles from Maryland, and the chance of distance saving them. Also that the Maryland planters may, after all, possibly have something else to think about than cutting their neighbors' throats for a religious diversion, and that, as there are three times as many Protestants in the American colonies as Catholics in all England, there

are reasonable chances that the former may consider themselves in comparative safety from their blood-thirsty Catholic brethren. Last of all, if they should some day shake off dependence on the Crown of England, the kingdom would then be free from many suspected persons in it.

Furthermore, the exaggerated reports about the Catholic colony prove that while it was not publicly proclaimed in the market-place, it was not projected in the dark ; and as might have been expected, such a generous charter, granted to a Catholic, set the enemies of the Church to scheming to defeat its execution. Lord Baltimore was seconded, however, by the Catholic nobility, the Howards, Arundels, and Blounts, and also by the Jesuits.<sup>1</sup> One of his most influential friends was a Protestant, Wentworth, who became the powerful Earl of Strafford.

The most ridiculous reports and preposterous calumnies were set afoot to defeat the young Proprietary's plans. We see this plainly in a letter to Strafford (January 10, 1634), in which Lord Baltimore says : "My humble thanks unto your Lordship for the whole expression you gave me of your constant favor in your last letter to me. . . . Since your Lordship hath been pleased to take upon yourself a noble patronage of me, I must needs think myself obliged to give your Lordship sometimes an account of my actions. . . . After many difficulties, since your

<sup>1</sup> Johnson, *ibid.*, pp. 21-23.

Lordship's departure from hence, in the proceedings of my plantation wherein I felt your Lordship's absence, I have at last sent away my ships and have deferred my own going until another time. And, indeed, my Lord, it was not one of the least reasons of my stay at this time, the great desire I had to wait upon your Lordship in that kingdom (Ireland), which I must confess my own affections importuned me to when you went from hence; and I should have done it had I been at liberty. But, as I said, my ships are gone, after having been many ways troubled by my adversaries, after that they had endeavored to overthrow my business at the council board, after they had informed, by several means, some of the Lords of the council that I intended to carry nuns over into Spain and soldiers to serve that king (which, I believe, your Lordship will laugh at as they did). After they had gotten Mr. Attorney-General to make an information in the Star Chamber that my ships were departed from Gravesend without cockets from the custom-house, and in contempt of all authority, my people, abusing the king's officers and refusing to take the oath of allegiance. Whereupon their Lordships sent present order to several captains of the king's ships, who lay in the Downs, to search for my ships in the river, and to follow them into the narrow seas, if they were gone out, and to bring them back to Gravesend, which they did, and all this done before I knew anything of it, but imagined all the while that my ships were well

advanced on the voyage. But not to trouble your Lordship with too many circumstances, I, as soon as I had notice of it, made it plainly appear unto their Lordships that Mr. Attorney was abused and misinformed, and that there was not any just cause of complaint in any of the former accusations, and that every one of them was most notoriously and maliciously false; whereupon they were pleased to restore my ships to their former liberty. After they had likewise corrupted and seduced my mariners, and defamed the business all they could, both publicly and privately, to overthrow it, I have, as I said, at last, by the help of some of your Lordship's good friends and mine, overcome these difficulties and sent a hopeful colony into Maryland with a fair and probable expectation of good success, however, *without danger of any great prejudice unto myself, in respect that others are joined with me in the adventure.*<sup>1</sup>

<sup>1</sup>This sentence in italics has been twisted into various meanings inimical to Lord Baltimore. It undoubtedly means that he runs no great danger, either politically or financially, because he is supported by friends both powerful and wealthy, and he wishes to assure Wentworth—who, as his father's friend and his adviser, had no doubt cautioned prudence—that he had acted according to his advice. Wentworth's affection for and interest in Cecilius himself is sufficiently attested throughout their entire correspondence. Writing to Lord Strafford (May 16th, 1634) Lord Baltimore says: “. . . I perceive neither distance nor greatness of employment, can any whit diminish that noble and true affection which you have so long professed and many times very really testified to my father's family. . . . My Lord, I have many occasions from your Lordship to remember my dear

There are two of my brothers gone with very near twenty other gentlemen of very good fashion, and three hundred laboring men, well provided in all things.”<sup>1</sup>

father . . . and now I do not want one. For I must confess I never knew any man have the way of doing favors unto others, with that advantage to themselves as your Lordship hath, and he had.”—(*Strafford Letters*, II, p. 257.)

<sup>1</sup>*Strafford's Letters and Despatches*, II, pp. 178–79, Peabody Library, Baltimore.

“The names of the gentlemen adventurers that are gone in person to this plantation:—

Leonard Calvert, the Governor, } his Lordship's brothers.  
George Calvert.

Jerome Hawley, Esq., } Commissioners.  
Thomas Cornwallis, Esq. }

Richard Gerard, son to Sir Thomas Gerard, Knight and Baronet.

Edward Wintour, } sons of Lady Anne Wintour.  
Frederick Wintour. }

Henry Wiseman, son to Sir Thomas Wiseman, Knight.

John Saunders.

Edward Cranfield.

Henry Greene.

Nicholas Ferfax.

John Baxter.

Thomas Dorrell.

Captain John Hill.

John Medcalf.

William Saire.”—(Sabin's Reprints, No. II, *A Relation of Md.*)

“Exposed to molestation from the existing authorities in England, and apprehending still greater severity from the predominance of a party gradually advancing in strength and hardening in sternness of spirit, many of the Catholics were led to meditate a retreat from the scene of persecution to some vacant corner in the British dominions. The most liberal and moderate of the members of the Romish church were the most forward to embrace this purpose, and of such consisted the first emigrants to Lord Baltimore's territory.”—(Grahame's *Hist. of U. S.*, vol. II, p. 8.)



In spite of all obstacles, the month of October, 1633, found all in readiness for the first migration. There were two vessels, the *Ark* and the *Dove*, the former a ship of three hundred tons, and the latter a pinnace of fifty tons. The expedition was placed under the command of Leonard Calvert, the brother of Lord Baltimore. The expenses of this first voyage were borne almost wholly by Lord Baltimore.<sup>1</sup>

<sup>1</sup> *Calvert Papers*, pp. 228-229. It is said that Cecilus "had disbursed himself and his friends above £10,000 for a settlement of a colony of his Majesty's subjects in the said country, and having seated already above two hundred people there." Father White, in his *Relation*, says: "When we had sailed beyond the Fortunate Isles, Lord Leonard Calvert, the Commander of the Enterprise, began to consider where he could get any merchandise to load the ship with on its return, in order to defray the expenses of his brother, the Baron of Baltimore. For he, having originated the whole expedition, had to bear all the expense" (p. 22). Lord Baltimore testified before the House of Lords, March 4, 1647, that "he hath engaged the greatest part of his fortune" in Maryland.—(*Archives*, III, p. 180.) Chalmers says: "The transportation and the necessary stores and provisions, during the first two years, cost that nobleman (Lord Baltimore) upwards of forty thousand pounds; which, if estimated according to the then value of money, and the price of all things, must be allowed to have been a considerable sum. The freemen of the Province thought so. For, even during the young and poor estate of the colony, they granted a subsidy of 15 pounds of tobacco on every poll 'as a testimony of their gratitude for his great charge and solicitude in maintaining the government in protecting the inhabitants in their rights, for reimbursing his vast charge.'"—(*Annals*, I, p. 208.) Morris (p. 31) says: "The expenses of the colony cost his Lordship, from time to time, £40,000." Browne also

The interesting details of this voyage are given by Father White, who, together with Father Altham and Brother Gervase, were the first missionaries to Maryland.<sup>1</sup>

(p. 21) says the cost to Cecilius was £40,000. McMahon (p. 196) says: "The colony, which was thus established, was supplied for its establishment, by the kind providence of the proprietary, not only with all the necessaries, but even with many of the conveniences adapted to an infant settlement. Although many of the first emigrants were gentlemen of fortune, he did not, therefore, throw the colony on its resources, and leave it dependent for its subsistence upon the casual supplies of an unreclaimed country, and a savage people. At the embarkation of the colony, it was provided, at his expense, with store of provisions and clothing, implements of husbandry, and the means of erecting habitations; and for the first two or three years after its establishment, he spared no expense which was necessary to promote its interests. It appears not only from the petition preferred in 1715 to the English parliament, by Charles, Lord Baltimore, but also from the concurring testimony of all the historians who treat of the settlement of this colony, that during the first two or three years of its establishment, Cecilius, the proprietary, expended upon it upwards of £40,000 sterling."

"There were several persons who had formed a partnership in trading furs with the Indians, and who contributed supplies of 'truck' for that purpose."—(*Calvert Papers*, III, p. 24.) And on October 15, 1633, Cecill Calvert deeded one-eighth interest of the *Dove* to his brother Leonard.—(*Calvert Papers*, III, p. 15.)

Sir Richard Lechford invested £50 8s. and 6d. with Leonard Calvert. But it must be returned to Sir Richard in case the vessel does not sail, prevented by the king or the courts.—(*Calvert Papers*, III, p. 17.)

<sup>1</sup> *Calvert Papers*, III, p. 50. Father Andrew White (alias Thomas White, *Calvert Papers*, I, p. 201) was born in London in 1579. After studying at Valladolid and Seville he was ordained a priest. In 1605, as an earnest, self-sacrificing secular priest, he was in England engaged in missionary work when the storm

"On the 22nd of the month of November," says Father White, "in the year 1633, being St. Cecilia's day (Friday), we set sail from Cowes from the Isle of Wight . . . after committing the principal parts of the ship to the protection of God especially, and of his most Holy Mother and St. Ignatius, and all the Guardian Angels of Maryland."<sup>1</sup>

They arrived at length (February 27th), off the coast of Virginia. "At this time Captain Claiborne was there," says the writer, "from whom we understood the Indians were all in arms to resist us, having heard that six Spanish ships were coming to destroy them all, the rumor was most like to have begun from himself."<sup>2</sup>

"At our first arrival," says Leonard Calvert, in a letter written May 30, 1634, "the Indians, being astonished at the sight of so great a Cannow (as they termed it), and at the number of people, they

occasioned by the Gunpowder Plot compelled him to leave. He entered the Society of Jesus at the age of twenty-six. From 1619 to 1629 he was employed in many offices in the Society of Jesus. He was professor of Theology and of Scripture, and occasionally made a missionary trip to England, until in 1629 he asked to be sent to Maryland.—(Hughes, pp. 168-174.) It was he who wrote the *Declaratio*, corrected by Lord Baltimore and sent out over the latter's name, setting forth the purposes of Lord Baltimore in founding the colony, the advantages of Maryland, etc.—(*Calvert Papers*, I, p. 209.) It was he who, in all probability, wrote the *Relatio Itineris in Marylandiam* in Latin, and the English version was very likely from his pen also.—(*Calvert Papers*, III, p. 8.)

<sup>1</sup> *Relation*, p. 10 et seq.

<sup>2</sup> *Calvert Papers*, III, p. 38; *English Relation*.

imagined those to be, which were, as it were, heaped upon the decks, they raised all the nations throughout the river, making first from town to town, by which they made a general alarm, as if they intended to summon all the Indians of America against us; this happened more by the ill report our enemies of Virginia had prepossessed them withall of our coming to their country with intention to destroy them all, and take from them their country, than by any real injuries they had received from us.”<sup>1</sup>

After remaining there eight or nine days they sailed up the Potomac. “The first land we came to we called St. Clement’s Island,” says Father White.<sup>2</sup> Here the Pilgrims of Maryland first

<sup>1</sup> *Calvert Papers*, III, p. 20.

<sup>2</sup> *Relation*, p. 32. J. W. Thomas, in *Chronicles of Maryland*, pp. 12 *et seq.*, says: “It is singularly unfortunate that historians have fallen into the grave error of asserting that the island of St. Clement’s, thus consecrated as the landing place of the Pilgrims of Maryland, has long since yielded to the ravages of the surf, and has almost disappeared, an error resulting apparently from a misapprehension of the location of the island, and the assumption that it was the same as Heron Island nearby. They (Heron Island and St. Clement’s) are not one and the same. A map of that time, and one also of later date (Map in ‘*Relation of Maryland*,’ 1635; Maps of 1670, Shea, I, p. 45), as well as the early land grants of the land nearest these Islands (Patents to William Britton for Little Britton, and to Thomas Gerrard for St. Clement’s Manor, 1639, in Land Office, Annapolis), not only confirm this as to the separate identity of the two, but show that their relative position, at that day, was the same that the remnant of Heron Island bears to-day to the undiminished proportions of St. Clement’s Island. In name only has it changed.

landed. Father White continues : " On the day of the Annunciation of the most Holy Virgin Mary, in the year 1634, we celebrated Mass for the first time on the Island. This had never been done before in this part of the world. After we had completed the Sacrifice we took on our shoulders a great Cross, which we had hewn out of a tree, and advancing in order to the appointed place, with the assistance of the Governor and his associates, and the other Catholics, we erected a trophy to Christ the Saviour, humbly reciting, on our bended knees, the litanies of the Holy Cross with great emotion."<sup>1</sup>

" When the Governor had understood that many princes were subject to the Emperor of Piscatawaye, he determined to visit him, in order that, after explaining the reason of our voyage, and gaining his good will, he might secure an easier access to the others. . . . Accordingly he sailed round and landed on the other side of the river. When he had learned that the Savages had fled inland, he went on to a city which takes its name from the river, being also called Potomeack. Here the young king's uncle, named Archihu, was his guardian, and took his place in the kingdom ; a sober

The first grant of St. Clement's Island was to Dr. Thomas Gerrard in 1639, when it was included in the grant of St. Clement's Manor. From him, through intermarriage of his daughter Elizabeth with Colonel Blackiston, it passed to the Blackistons, and from long possession in them, it came to be called Blackiston's Island, the name it bears to-day."

<sup>1</sup> *Relatio*, pp. 32-33.

and discreet man. He willingly listened to Father Altham (alias John Gravenor), who had been selected to accompany the Governor. When the Father explained, as far as he could through the interpreter, Henry Fleet, the errors of the heathen, he would, every little while, acknowledge his own; and when he was informed that we had come thither, not to make war, but out of good will towards them, in order to impart civilized instruction to his ignorant race, and show them the way to heaven, and at the same time with the intention of communicating to them the advantages of distant countries, he gave us to understand that he was pleased at our coming. As the Father could not stop for further discourse at the time, he promised that he would return before very long. 'That is just what I wish,' said Archihu, 'we will eat at the same table; my followers too shall go to hunt for you, and we will have all things in common.'"<sup>1</sup>

"They went on from this place to Piscatawaye, where all the inhabitants flew to arms. About five hundred, equipped with bows, had stationed them-

<sup>1</sup> Capt. Fleet, the Protestant interpreter, it seems was a rival of Claiborne in the trade with the Indians, and finding that Claiborne and Baltimore were at variance, he loved the Marylanders for the enemy they had made.—(Latané, *J. H. U. Series* 13, IV-V, p. 16.) He seems to have been well known in Virginia for an unscrupulous character.—(*Archives*, v, 167.) Father White probably referred to this, when he says in the *Relatio*, "we do not put much confidence in the protestant interpreters."—(*Relatio*, p. 41.)

selves on the shore with their Emperor. But after signals of peace were made, the Emperor, laying aside all apprehension, came on board the pinnace, and when he heard of our friendly disposition towards those nations, he gave us permission to dwell wherever we pleased in his dominions.”<sup>1</sup>

For many reasons the Governor did not consider it advisable to make his first settlement at a point so high up the river. It was not well placed for strategic purposes should the Indians ever prove unfriendly, leaving no way open for retreat in case an onslaught were made by them; therefore, he sailed back, down the Potomac, until, on the north side near its mouth, he reached one of its tributaries, and sailing up this river, about twelve miles, they finally came to the town of the Yaocomicoes. After a friendly treaty with the Indians, and payment made for the land, the savages agreed to allow the Englishmen possession of half of the village, until after the harvest, when they would remove altogether, giving the new-comers entire possession. The settlers and the savages then promised each other to live in peace and concord, and thus, with a solemn covenant of faith to be kept, and mutual assistance rendered, was founded upon justice, peace and charity, the little town of St. Mary’s.<sup>2</sup>

<sup>1</sup> *Relatio*, p. 34.

<sup>2</sup> “The left side of the river, *i. e.*, the eastern bank of St. Mary’s River, which flows from the north, was the abode of King Yaocomico.” “We landed on the right-hand side, and going in about a mile from the shore, we laid out the plan of a

“To avoid every appearance of injustice, and afford no opportunity for hostility,” adds Father White, “we bought from the king thirty miles of that land, delivering in exchange axes, hatchets, rakes, and several yards of cloth. This district is already named Augusta Carolina.”<sup>1</sup> “It made them more willing to entertain us, for they had wars with the Sasquahannoekes, who came sometimes upon them, and waste and spoil them and their country, for thus they hope by our means to be safe.”<sup>2</sup>

“Thus,” says Bancroft, “the Catholics took possession of the little place, and religious liberty obtained a home—its only home in the wide world—at the humble village, which bore the name of St. Mary’s. Such were the beautiful auspices under which the province of Maryland started into being;

city, naming it after St. Mary.” (“On the right-hand side of the Bay of St. Ignatius, leaving the ship there until they went, either on foot or in the pinnace, and found a place for a permanent settlement, and this, indeed, they found about a mile from the left bank of St. Mary’s River. Perhaps, near the promontory, called Chancellor point.”—*Editor’s Note.*)—(*Relatio*, p. 36.)

<sup>1</sup> It is now called St. Mary’s County; *Relatio*, p. 36.

<sup>2</sup> *Calvert Papers*, III, p. 41, *English Relation*.

“Calvert purchased the rights of the aborigines for a consideration which seems to have given them satisfaction; and, with their free consent, in the subsequent March, he took possession of their town, which he called St. Mary’s.”—(Chalmers, p. 207.)

“His first act was one of justice and humanity towards the aborigines, which presents a striking contrast to the first establishment of the other colonies. He purchased the town from the Indians, and established his colony within it by their consent. . . .”—(McMahon, vol. 1, p. 195.)



its prosperity and peace seemed assured; the interests of its people and its Proprietary were united; and for some years its internal peace and prosperity were undisturbed. Its history is the history of benevolence, gratitude and toleration.”<sup>1</sup>

The story of the tranquility of early Maryland, however, is inseparable from the history of the labors of the Jesuit missionaries. If the infant colony, instead of being the theatre of outraged justice, treachery and bloodshed, with all the attending horrors of a war between the two races, was a tranquil, peaceful settlement, it was due, in no small degree, to those first heroic priests and their influence upon the natives—an influence beneficent in its operations, and so wonderful in its attainments that, in contemplating the results, one may well marvel and exclaim: “There were giants in those days.”

“Surely this is like a miracle,” writes Father White, “that barbarous men, a few days before arrayed in arms against us should so willingly surrender themselves to us like lambs, and deliver up to us themselves and their property. The finger of God is in this and He purposes some great benefit to this nation.”<sup>2</sup>

“It was an event,” says McMahon, “worthy of celebration, and the manner of its celebration attests most forcibly the liberal and humane policy observed by the colonists of Maryland in their earliest intercourse with the natives. . . . The

<sup>1</sup> Bancroft, 10th ed., I, pp. 247, 248.

<sup>2</sup> *Relation*, p. 37.

artless, untutored savage, had not yet learned to dread the approaches of civilization as the precursors of his expulsion from the home of his forefathers. He saw in the colonists only a gentle and conciliating people without the power or will to injure, and gifted with all that could excite his wonder or tempt his desires ; and, in the fullness of his joy, he hailed their coming as the work of the Great Spirit in kindness to himself. To the feeble emigrants it was an occasion of joy more rational and profound. Preferring all privations to the privation of the liberty of conscience, they had forsaken the endearments of their native land to cast themselves, in reliance on divine protection, upon all the perils of an unknown country, inhabited by a savage people. They came prepared for the worst ; and fancy lent all its illusions to heighten the dangers of the adventure. But the God whom they had trusted was with them ; and He, in whose hands are all hearts, seems to have moulded the savage nature into kindness and courtesy for their coming. They came, they who were retreating from the persecution of their Christian brethren, to be welcomed by the confidence and affection of the savage ; and their peaceful and secure establishment, in the wilderness, was enough to have called forth grateful aspirations from the coldest heart, and to have put into every mouth the song of joy.”<sup>1</sup>

“Every nation,” continues the same author, “has had its festivals, to recall in pride the recollections

<sup>1</sup> McMahan, p. 197.

of its history, and to fashion and sustain the spirit and character of its people, by the example of their ancestors. Yet, where shall we find, in the history of any people, an occasion more worthy of commemoration, than that of the landing of the colony of Maryland? It is identified with the origin of a free and happy state. It exhibits to us the foundations of our government, laid broad and deep in the principles of civil and religious liberty. It points us with pride to the founders of this State, as men, who, for the secure enjoyment of their liberties, exchanged the pleasures of affluence, the society of friends, and all the endearments of civilized life, for the privations and dangers of the wilderness. In an age, when perfidy and barbarity but too often marked the advances of civilization upon the savage, it exhibits them to us, displaying in their intercourse with the natives, all the kindnesses of human nature, and the charities of their religion. Thus, characterizing this colony as one established under the purest principles, and by the noblest feelings which can animate the human heart, it presents to us, in its after-history, a people true to the principles of their origin. At a period when religious bigotry and intolerance seemed to be the badges of every Christian sect; and those who had dwelt under their oppressions, instead of learning tolerance by their experience, had but imbibed the spirit of their oppressors; and when the howlings of religious persecution were heard everywhere around them, the Catholic and Protestant of Maryland were

seen mingling in harmony, in the discharge of all their public and private duties, under a free government, which assured the rights of conscience to all.

*"The landing of the Pilgrims of New England* has been the burden of many a story, and the theme of many an oration. The very *Rock* on which their feet were first planted, is consecrated in the estimation of their descendants; and its relics are enshrined as objects of holy regard. They were freemen in search of freedom. They found it, and transmitted it to their posterity. It becomes us, therefore, to tread lightly upon their ashes. Yet, whilst we would avoid all invidious contrasts, and forget the stern spirit of the Puritan, which so frequently mistook religious intolerance for holy zeal, we can turn with exultation to the *Pilgrims of Maryland*, as the founders of religious liberty in the new world. They erected the first altar to it on this continent; and the fires first kindled on it ascended to heaven amid the blessings of the savage. *Should the memory of such a people pass away from their descendants as an idle dream?*"<sup>1</sup>

<sup>1</sup> McMahon, p. 197, note.

John V. L. McMahon was born in Cumberland, Md., in 1800, of Irish Presbyterian parentage. He began the practice of law, which he abandoned for a while, to study for the Presbyterian ministry. Returning to the law again he attained great eminence, was a member of the legislature, and identified with the highest business and professional interests of Baltimore. His *Historical View of the Government of Maryland* is a work exhibiting wonderful research, deep learning, and all those scholarly attainments for which he was renowned.

## CHAPTER IV.

The Fathers gained the confidence of the Indians, learning by degrees their language, living their life in forest and wigwam. "Having," they wrote, "frugal and scant fare and decent clothing, with this we are content."<sup>1</sup> Ardent, self-immolating, no suffering was so intolerable as to appall their patient fortitude and fearless endurance,—no difficulty was ever so great as to daunt their splendid courage. Civilizing the natives through the benevolent doctrines of Christianity, a consoling harvest of souls rewarded their untiring toil and burning zeal,—the Emperor himself being one of the first fruits of their apostolic labors. They stood as mediators between their spiritual wards, the newly baptized natives, and the English colonists of Maryland; and the Indians' implicit confidence, their unswerving faith in the missionary Fathers, begot a trust in the strange white men, the priests' companions, who had so suddenly appeared amongst them from over-seas.

The first chapel in Maryland was an Indian hut built in a "half oval form 20 feet long and 9 or 10 feet high, with a place in the top half a yard square where they admit the light and let forth the smoke."<sup>2</sup>

<sup>1</sup> *Calvert Papers*, III, p. 52.

<sup>2</sup> *Calvert Papers*, III, p. 43.

“The Indians,” said Father White, “are of a frank and cheerful disposition, and understand any matter correctly when it is stated to them ; they have a keen sense of taste and smell, and in sight too, they surpass the Europeans. They live, for the most part, on a kind of paste, which they call *Pone* and *Omini*, both of which are made of Indian corn ; and sometimes they add fish, or what they have procured by hunting and fowling. They are especially careful to refrain from wine and warm drinks, and are not easily persuaded to taste them, except some whom the English have corrupted with their own vices. With respect to chastity, I confess that I have not yet observed, in man or woman, any act which even savored of levity, yet they are daily with us and among us, and take pleasure in our society. They run to us of their own accord, with a cheerful expression on their faces, and offer us what they have taken in hunting or fishing ; sometimes also they bring us food, and oysters boiled or roasted, . . . and this they do, when invited in a few words of their own language, which we have hitherto contrived to learn by means of signs. They marry several wives, yet they keep inviolate their conjugal faith. The women present a sober and modest appearance.

“They cherish generous feelings towards all, and make a return for whatever kindness you may have shown them. They resolve upon nothing rashly, or while influenced by a sudden impulse of the mind, but they act deliberately ; therefore, when anything

of importance is proposed at any time, they think it over for a while in silence; then they speak briefly for or against it: they are very tenacious of their purpose. Surely these men, if they are once imbued with Christian precepts, (and there seems to be nothing to oppose this, except our ignorance of the language spoken in these parts), will become eminent observers of virtue and humanity. They are possessed with a wonderful longing for civilized intercourse with us, and for European garments. And they would long ago have worn clothing, if they had not been prevented by the avarice of the merchants, who do not exchange their cloth for anything but beavers. But every one cannot get a beaver by hunting. God forbid that we should imitate the avarice of these men!

“They acknowledge one God of Heaven, yet they pay him no outward worship. But they strive in every way to appease a certain imaginary spirit, which they call *Ochre*, that he may not hurt them. They worship corn and fire, as I hear, as Gods that are very bountiful to the human race. Some of our party report that they saw the following ceremony in the temple at *Barchuxem*.<sup>1</sup> On an appointed day, all the men and women of every age, from several districts, gathered together around a large fire; the younger ones stood nearest the fire, behind these stood those who were older. Then they threw

<sup>1</sup> Barchuxem, i. e., Patuxent. *Calvert Papers*, III, p. 12.

deer's fat on the fire, and lifting their hands to heaven, and raising their voices, they cried out *Yaho!* *Yaho!* Then making room, some one brings forward quite a large bag: in the bag is a pipe and a powder which they call *Potu*. The pipe is such a one as is used among us for smoking tobacco, but much larger; then the bag is carried round the fire, and the boys and girls follow it, singing alternately, with tolerably pleasant voices, *Yaho! Yaho!* Having completed the circuit, the pipe is taken out of the bag, and the powder called *Potu* is distributed to each one, as they stand near; this is lighted in the pipe, and each one, drawing smoke from the pipe, blows it over the several members of his body, and consecrates them. They were not allowed to learn anything more, except that they seem to have had some knowledge of the Flood, by which the world was destroyed, on account of the wickedness of mankind."<sup>1</sup>

The succeeding years present to us a picture of untiring zeal on the part of the missionaries, and of marvellous appreciation on the part of the Indians. In 1639 we find Father John Brock the Superior at Mattapany, Father Philip Fisher (alias Copley) at St. Mary's, Father Altham (alias Gravenor) at Kent Island, and Father Andrew White at Kittamaquindi, the capital of the Piscataway Indians. Here Father White lived with the Tayac or Emperor of

<sup>1</sup> *Relatio*, pp. 39-42.



the tribe who had become much attached to the good missionary. While the Tayac was under instructions, he lent his good offices in converting an Indian who was condemned to be hanged for murdering one of the English. "When the murderer," says the *Annalist* of 1639, "came to the place of execution, he inquired, with cheerful countenance, if anything was to be observed by him on his departure; and when answer was given, that by piously taking the holy names of the blessed Jesus and Mary, he would propitiate them in his last conflict, he cheerfully obeyed those who advised him, and piously breathed his last. When dead, he was buried in our cemetery, in the most solemn manner, that even from this, the barbarians might understand, that, although execrating the crimes of malefactors, Christians may avenge them by merited punishment, nevertheless they hold their souls dear, and are easily reconciled to them, if they repent. And surely an example of clemency and charity to the deceased, struck them so much the more forcibly, the more it differed from their customs—who indeed are accustomed to serve up their enemies slain, in the most cruel manner, to be feasted on by their friends."<sup>1</sup> So impressed was the Tayac that he insisted upon being baptized. He put away his many wives and lived content with one. He abstained from meat on the days when it was forbidden by the Christian laws. "He is

<sup>1</sup> *Fund Pub.*, No. 7, pp. 69-71.

greatly delighted with spiritual conversation,” says the *Annalist* “and indeed seems to esteem earthly wealth as nothing, in comparison with heavenly, as he told the Governor, who was explaining to him what great advantages from the English could be enjoyed by a mutual exchange of wares. ‘Verily, I consider these trifling when compared with this one advantage—that through these, as authors, I have arrived at the true knowledge of the one God; than which there is nothing greater to me among you, or which ought to be greater.’ So not long since, when he held a convention of the empire, in a crowded assembly of the chiefs and a circle of the common people, Father White and some of the English being present, he publicly attested it was his advice, together with that of his wife and children, that the superstition of the country being abjured, to give their names to Christ; for that no other true deity is anywhere else had, other than among the Christians, nor otherwise can the immortal soul of man be saved from death—but that stones and herbs, to which, through blindness of mind, he and they had hitherto given divine honors, are the humblest things created by the Almighty God for the use and relief of human life. Which being spoken, he cast from him a stone which he held in his hand, and spurned it with his foot. A murmur of applause from the people sufficiently indicated that they did not hear these things with unfavorable ears. But the greatest hope is, that when the family of the king is purified by

baptism, the conversion of the whole empire will speedily take place.”<sup>1</sup>

The following year the Tayac in a solemn manner received the Sacrament of Baptism “in a little chapel, which, for that purpose and for divine worship, he had erected out of bark, after the manner of the Indians. At the same time the queen, with an infant at the breast, and others of the principal men, whom he especially admitted to his counsels, together with his little son, were regenerated in the baptismal font. To the emperor, who was called Chitomachen before, was given the name of Charles ; to his wife that of Mary. The others, in receiving the Christian faith, had Christian names allotted to them. The governor was present at the ceremony, together with his secretary, and many others ; nor was anything wanting in display which our means could supply.

“In the afternoon, the king and the queen were united in matrimony in the Christian manner ; then the great holy cross was erected, in carrying which to its destined place the king, governor, secretary, and others, lent their shoulders and hands ; two of us in the meantime chanting before them the litany in honor of the Blessed Virgin.”<sup>2</sup>

The King of the Anacostans also desired to come and live with the colonists, and other settlements were manifesting a strong leaning towards Christianity. The pious missionaries’ only regret was that

<sup>1</sup> *Ibid.*, p. 68.

<sup>2</sup> *Relatio*, p. 75.

they could not multiply themselves to meet all the demands made upon them.<sup>1</sup>

“During the era of Roman Catholic toleration,” says Davis, “the original tenant of the forest lived almost side by side—and often upon terms of the best amity,—with our colonial forefathers.”<sup>2</sup> “One of the most respectable features of the proprietary’s administration,” says Grahame, “was the constant regard that was shown to justice, and to the exercise and cultivation of benevolence, in all transactions and intercourse with the Indians.”<sup>3</sup>

Such were the relations between the Indians and the colonists that on one occasion a chief “it is said when he took his leave, made this remarkable speech to the governor: ‘I love the English so well, that if they should go about to kill me, if I had so much breath as to speak I would command the people not to revenge my death, for I know that they would not do such a thing except it were my own fault.’”<sup>4</sup>

<sup>1</sup> *Ibid.*, p. 76.

<sup>2</sup> *Day Star*, p. 106.

<sup>3</sup> Grahame, II, p. 53; *Kent’s Commentaries*, III, p. 523.

<sup>4</sup> “The first thing that Mr. Calvert (the Governor) did was to fix a court of guard and erect a store-house; and he had not been there many days before Sir John Hervey, Governor of Virginia, came thither to visit him, as did several Indian Wero-wances, and many other Indians from several parts of the continent. Amongst other Indians came the king of Patuxent, etc. After the first store-house was finished, and the ship unladen, Mr. Calvert ordered the colors brought on shore, which was done with great solemnity, and the gentleman and their servants attending in arms; several volleys of shot were fired on shipboard and ashore, as also the cannon, with which the natives were struck with admiration. The kings of Patuxent

“The natives went every day to hunt with the ‘new-comers’ for deer and turkeys, which, when they had caught, being more expert at it, they either gave to the English or sold for knives, beads and such trifles. They also supplied them with fish in plenty. As a certain mark of their entire confidence, which these unsuspecting people placed in the colonists, their women and children became in some measure domesticated in the English families.”<sup>1</sup>

A notable instance of this is that the young Indian Princess, Mary, daughter of the Emperor Kittamaquund, lived with Mistress Brent, as her ward and adopted daughter, and it is interesting to read how her interests were jealously guarded, as well as valiantly defended by her protector.<sup>2</sup>

Thus, “while the colonist of New England ploughed his field with his musket on his back, or was aroused from his slumber by the hideous war-whoop to find his dwelling in flames, the settler of St. Mary’s

and Wicomoco were present at this ceremony, with many other Indians of Yaocomico; and the Werowance of Patuxent took that occasion to advise the Indians of Yaocomico to be careful to keep the league they had made with the English. He stayed in the town several days, and when he went away he made this speech to the Governor: ‘I love the English so well that if they should go about to kill me, if I had so much breath as to speak, I would command the people not to revenge my death; for I know that they would not do such a thing, except it were through my own fault.’”—*A Relation of Maryland*, Hawks’ Reprint of London Edition, 1635, pp. 11 and 12.)

<sup>1</sup> Bozman, II, p. 31. John Leeds Bozman was an Episcopalian.

<sup>2</sup> *Archives*, IV, pp. 259–265, 270–271.

accompanied the red warrior to the chase and learned his art of woodcraft; and the Indian, coming to the settlement with wild turkey or venison, found a friendly reception and an honest market; and if belated, wrapped himself in his mantle of skins and lay down to sleep by the white man's fireside, unsuspecting and unsuspected."<sup>1</sup>

In 1642 we find Father Roger Rigbie laboring among the Indians of the Patuxent. While Father White, the *Annalist* tells us, received into the Church the chiefs and the people of Port Tobacco, "which town, he says, as it is situated on the River Pamac, the inhabitants call it Pamake." This year the writer records also the baptism of the young Empress, the ward of Mistress Brent, at St. Mary's, where she was being educated.<sup>2</sup>

About this time the Susquehanna Indians, a warlike and predatory tribe, made their presence felt in the neighborhood by slaying some of the friendly Piscataways, and they had even made an attack on one of the mission stations. In consequence, it was judged advisable for the Fathers not to remain far away from the white settlements, nor for a long while. Undismayed by the dangers and the obstacles met with, the zealous Fathers made excursions in boats to the Indian settlements.

"In our excursions we endeavor," says the letter of 1642, "as much as we can, to reach by evening

<sup>1</sup> Scharf, I, chap. 3, p. 97.

<sup>2</sup> *Fund Pub.*, 7, pp. 80-82.

some English house, or Indian village, but if not, we land, and to the Father falls the care of mooring the boat fast to the shore, then of collecting wood and making a fire, while in the meantime the two others go to hunt—so that, whatever they take may be prepared. But if not, having refreshed ourselves with our provisions, we lie down by the fire and take our rest. If fear of rain threatens, we erect our hut and cover it with a larger mat spread over; nor, praise be to God, do we enjoy this humble fare and hard couch with a less joyful mind than more luxurious provisions in Europe; with this present comfort that God now imparts to us a foretaste of what He is about to give to those who labor faithfully in this life, and mitigates all hardships with a degree of pleasantness, so that his divine Majesty appears to be present with us in an extraordinary manner.”<sup>1</sup>

In the meantime the labors of the missionaries among the whites were rewarded with abundant fruits.<sup>2</sup> “Among the Protestants,” writes the *Annalist* in 1638, “nearly all who have come from England, in this year, and many others, have been converted to the faith, together with four servants, whom we purchased in Virginia (another colony of our kingdom) for necessary services, and five mechanics, whom we hired for a month, and have,

<sup>1</sup> *Fund. Pub.*, No. 7, p. 84.

<sup>2</sup> *Ibid.*, p. 56.

in the meantime, won to God.<sup>1</sup> As for the Catholics, the attendance on the Sacraments here is so large that it is not greater among the Europeans, in proportion to the number of Catholics. . . . By the blessing of God, we have this consolation that no vices spring up among the new Catholics, although settlements of this kind are not usually supplied from the best class of men.

"We bought off in Virginia two Catholics who had sold themselves into bondage, nor was the money ill-spent, for both showed themselves good Christians; one, indeed, surpasses the ordinary standard. Some others have performed the same duty of charity, buying thence, Catholic servants, who are very numerous in that country. For every year very many sell themselves thither into bondage, and living among men of the worst example, and, being destitute of all spiritual aid, they generally make shipwreck of their souls.

"The Catholics who live in the colony, are not inferior in piety to those who live in other countries; but, in urbanity of manners, according to the judgment of those who visited the other colonies, are considered far superior to them."<sup>2</sup>

<sup>1</sup> "The Protestants of St. Mary's seem to have enjoyed, without restriction, the privilege of a chapel, though it does not appear that they were supplied, for some time, with an ordained clergyman."—(Streeter, p. 232.) Until a clergyman came, they seem to have had such parts of the service as a layman could perform.

<sup>2</sup> *Fund Pub.*, No. 7, pp. 60-77.



Thus did Maryland enjoy a peace unequalled by any other colony. It must not be thought, however, that such a Utopian condition of affairs continued unbroken. Nevertheless it can be asserted, without fear of contradiction, that whenever religious liberty was denied, whenever the tranquility of the province was disturbed, it was in spite of the efforts and purpose of Cecilius, the Catholic Lord Proprietary.

One of the earliest enemies of the colony was Captain William Claiborne. Claiming Kent Island as his possession, notwithstanding the charter of Lord Baltimore, he waged an incessant war against the Proprietary and his colony. Even after his claim had been denied by an impartial tribunal in England, he endeavored, by violence and intrigue, to unsettle the peace of Maryland. Claiborne is described by Hammond as "a pestilent enemy to the welfare of the province and the Lord Proprietary, though he had formerly acknowledged submissively that he owed his forfeited life to the said Proprietor for dealing so favorably with his misdemeanors, as by his treacherous letters under his own hand, now is made manifest."<sup>1</sup>

The facts in the dispute show forth the forbearance of Lord Baltimore, and his firmness when occasion called for it. A brief review of Claiborne's pretensions will not be out of place here. Clai-

<sup>1</sup> *Leah and Rachel*, p. 23.

borne claimed Kent Island as his possession. Lord Baltimore denied the claim. The Court of King's Bench in 1624 had annulled the charter of Virginia, and by this act the king possessed an indubitable right to alter the boundaries of Virginia and to carve new territories out of it at pleasure. Claiborne obtained from the Council and Governor of Virginia, 1627, 1628, 1629, permission to explore the Chesapeake.<sup>1</sup> Evidently they had no right to grant such a privilege, as their charter was annulled. Claiborne, recognizing this difficulty, procured another grant in 1631, "Freely to repair and trade to, and again in all the aforesaid parts and places," *i. e.*, New England and Nova Scotia.<sup>2</sup> This he obtained through Sir William Alexander, the king's secretary of State for Scotland. It was signed by King Charles under the privy signet of Scotland, and gave Claiborne at most the right to trade, not to colonize.

Now, it will be remembered, that Claiborne was one of those who had compelled the first Lord Baltimore to leave Virginia.<sup>3</sup> He afterwards opposed the grant to Lord Baltimore of land south of the James.<sup>4</sup> Notwithstanding this uncivil treatment of his father, after the Crown had granted Maryland to him, June 20, 1632, the second Lord Baltimore, in his letter of instructions to his brother Leonard, counselled him to use every means to conciliate

<sup>1</sup>*Archives*, v, pp. 159-163.

<sup>3</sup>*Ibid.*, p. 17.

<sup>2</sup>*Archives*, III, pp. 19-20.

<sup>4</sup>Fiske, I, p. 265.

Claiborne.<sup>1</sup> But Claiborne, who was an Episcopalian,<sup>2</sup> could not overcome his dislike to "Jesuitical papists," and instead of coming to terms with the Proprietary in a straight-forward, manly spirit, had recourse to intrigue.<sup>3</sup>

In 1637 the dispute was submitted to the Commissioners of Plantations. At the head of this body was the Archbishop of Canterbury, who could not be accused of partiality to the Catholic Proprietary of Maryland. In the minutes of this Commission, which met April, 1638, we read: "Whereupon all parties attending their lordships this day with their council learned, being fully heard, it appeared clearly to their lordships, and was confessed by the said Claiborne himself, that the Isle of Kent is within the bounds of Lord Baltimore's patent, and that the said Captain Claiborne's commission was only a license to trade with the Indians of America in such places where the said trade had not formerly been granted by his Majesty to any other; which commission did not extend, nor give any warrant to the said Claiborne nor to any other, nor had they any right or title to the said Isle of Kent, or to plant or trade there, or in any other ports or places with the Indians, within the precincts of Lord Baltimore's patent." <sup>4</sup>

<sup>1</sup> *Calvert Papers*, I, pp. 134-136.

<sup>2</sup> Davis, *Day Star*, p. 142.

<sup>3</sup> Steiner, *J. H. U. Studies*, 21st series, p. 401.

<sup>4</sup> *Archives*, III, p. 72.

Dr. Browne, in his preface to *Council Proceedings*, 1667-1687, says: "These papers lighten in some degree the darkness that covers the affairs of Kent Island before the reduction. It is more clear than ever that the settlement there was no plantation, but simply a trading post established by a firm of London merchants and managed in their interest. They had no grant of land, but merely a license to trade; nor did the settlers raise their supplies, but depended for these upon traffic. We also see that Claiborne was not dispossessed by Lord Baltimore, but by his own partners or employers, whose agent took possession in their name of the buildings, goods and servants, by quiet and unresisted legal process. To the land, of course, this agent made no claim, as neither Claiborne nor his partners pretended any patent; but, after seeing the Maryland charter they acknowledged the jurisdiction of Baltimore."

Claiborne had "neither a patent for land nor a grant of trade in Virginia," declares Steiner,<sup>1</sup> "nor a grant of jurisdiction."

But Claiborne nevertheless continued the struggle. Through the influence of his friends at Court, he obtained a letter to Baltimore from the king, commanding the Proprietary to permit the inhabitants of Kent Island to live in peace. The letter was unnecessary, as the people of Kent Island had sub-

<sup>1</sup>*J. H. U. Studies*, 21st series, p. 363. Cfr. Chalmers' *Annals*, p. 228.

mitted to Lord Baltimore's government six months before.

"He was unsuccessful," says McMahon, "in his attacks upon the claims of Lord Baltimore; and now that force, and fraud, and complaint had all failed in effecting his purposes, there remained to him but the spirit of deadly animosity toward the colony, waiting only the opportunity of revenge."<sup>1</sup>

<sup>1</sup> P. 200. *Archives*, III, pp. 32, 65, 71, 78-79; Steiner, *Beginnings of Maryland*, pp. 21-24, 40-65, 71-74, 81-90; Bozman, II, pp. 32-36, 59-64, 69-76. J. B. Latané tries to justify Claiborne in *J. H. U. Studies*, 13th series, pp. 8-31. It is very probable that Claiborne has been wrongly accused of inciting the Indians, as Fleet testified. Cfr. Steiner, *J. H. U. Studies*, 21st series, pp. 403-5; *Calvert Papers*, I, p. 142; Latané, *ibid.*, p. 16; *Streeter Papers*, p. 127.

## CHAPTER V.

In sending out his colony to Maryland, Lord Baltimore appointed his brother, Leonard Calvert, deputy-governor, with Jerome Hawley and Thomas Cornwaleys, commissioners and councillors. Governor Leonard Calvert, the brother of the proprietary, the leader of the first band of settlers, was its guardian spirit during thirteen years. We read his character in the planting and the settling of the colony, and in the after-history of its struggles, trials and successes. Courageous, loyal, honorable and just, something of his father's calm and quiet, as well as of his indomitable will and steadfast spirit, seem to have been his heritage. He had two children, and his widow long survived him. She was still living in Maryland in 1673.<sup>1</sup>

Jerome Hawley, the first councillor, was a man of education and refinement. He was one of the original commissioners, and was afterwards made a councillor. After his appointment as treasurer of Virginia he still retained his place as councillor of Maryland.<sup>2</sup> He, too, was a Catholic.<sup>3</sup>

<sup>1</sup> See Steiner's *Beginnings of Maryland*, J. H. U. Studies, 21st series, note to p. 368.

<sup>2</sup> *Streeter Papers*, pp. 108-124; also Steiner's *Beginnings of Maryland*, note to p. 368.

<sup>3</sup> *Calvert Papers*, I, p. 180; *Aspinwall Papers*, I, p. 101, note.

No man is more conspicuous in early Maryland history than the "Captain," as Cornwaleys was styled. "He seems to have been always, from the first settlement of the colony, considered its guardian genius. In debates of the Assembly he appears as a popular leader, and in all military expeditions he is confided in as the ablest commander."<sup>1</sup> In the opinion of Neill "he was the best and wisest of the founders of Maryland."<sup>2</sup> He was a man of sound common sense and unswerving justice. One of the original commissioners, or advisers of Leonard Calvert, he was made a councillor in 1637, when the government was reorganized. He is found at the head of all expeditions to secure the colony against hostile Indians or to prevent the incursions of Claiborne. He was uncompromising in upholding the Proprietary's claims against Claiborne, yet he was just as unbending in maintaining the rights of the colonists when they conflicted with the claims of the Proprietary, and he was throughout a staunch friend of the Jesuits in their disputes with Lord Baltimore. About January, 1640, he went to England, but in 1642 we find him again in the Assembly of Maryland. Having assisted in the restoration of the colony to the Proprietary, after the Puritan rebellion, he left

<sup>1</sup> Bozman, II, p. 228.

<sup>2</sup> Neill, *Founders of Maryland*, p. 81. Neill thought he was a Protestant. Streeter speaks of his name as being "a tower of strength."—(Streeter, pp. 124-212.)

Maryland in 1659 for England, never again to return. "As the men of the past had reason to respect the man himself, so those of the present, on the recapitulation of the deeds of his active and useful life . . . will pay a tribute of honor to the name of Cornwaleys."<sup>1</sup> He enjoys the singular distinction of having been the trusted friend of the Proprietary, of the colonists, and of the missionaries; and of being the only man in the colony who has been universally praised by Protestant and Catholic writers alike. The author of 'Religion under the Barons Baltimore' becomes rather interesting on the subject of Cornwaleys, assuming that the latter was a Protestant.<sup>2</sup> Had the writer read with less jaundiced eye the letter of Cornwaleys<sup>3</sup> to Lord Baltimore he might have suspected, even if he did not understand, the true state of the case, *i. e.*, Cornwaleys complains not *against* the Jesuits' policy, but is their champion against Lewger and his adherents. Rev. Dr. Smith could not have put himself in a more amusing attitude, had he tried with all the ingenuity with which he endeavors to gloss over Anglican intolerance in Maryland. Cornwaleys was a Catholic,<sup>4</sup> a defender of the Jesuits, contending against the laws proposed by Lewger, and remind-

<sup>1</sup> Streeter, p. 212.

<sup>2</sup> Pp. 235, 244, 245, 247, 254, 267.

<sup>3</sup> *Culvert Papers*, pp. 169-181.

<sup>4</sup> Steiner, *J. II. U. Studies*, 21st series, p. 369, note; also *Streeter Papers*, p. 124.



ing the proprietor that he might, by approving these laws, render himself censurable by the Church. Such was Cornwaleys' view. It is true, that in this last instance he was mistaken, for when the question at issue was submitted to Rome, Lord Baltimore was upheld by the General of the Jesuits, whose subjects in Maryland were complaining against the Proprietary. Writing to Lord Baltimore Cornwaleys thus pleads the cause of the Fathers: "Therefore, I beseech your Lordship, for his sake, for whose honor you and we do here pretend, and who at last must judge with what sincerity we have discharged it, that you, from whose consent they must receive the binding force of laws, will not permit the least clause to pass that shall not first be thoroughly scanned, and resolved by wise, learned and religious divines, to be no wise prejudicial to the immunities and privileges of that Church, which is the only true guide to all eternal happiness, of which we shall show ourselves the most ungrateful members that ever she nourished, if, in requital of those many favors and blessings that she and her devout servants have obtained for us, we attempt to deprive her or them of more than we can give them, or take from them, without paying such a price as he that buys it will repent his bargain. What are her grievances, and how to be remedied, you will, I doubt not, understand at large from those who are more knowing in her rights,

and consequently more sensible of her injuries, than such an ignorant creature as I am. . . . I never yet heard of any that lost by being bountiful to God or His Church, then let not your Lordship fear to be the first. Give unto God what doth belong to him, and doubt not that Caesar shall receive his due.”<sup>1</sup>

Anyone who reads the letters of Cornwaleys, Father Copley and Father White will readily see that all are pleading the same cause, *i. e.*, a rejection of the laws passed by the Assembly which militated against the claims of the missionaries.<sup>2</sup> But Dr. Smith assumes that Cornwaleys is a defender of Protestantism, and interprets the letters, if he read them at all, to suit himself, with the result that he makes himself supremely amusing. With undismayed confidence he declares: “Such is the opposition taken by the foremost Protestant-Catholic in the colony. His letter is a temperate, but earnest protest against any breach of faith, on the part of the Proprietary, in matters connected either with religion or commerce, but especially against his allowing the Roman Catholic Church to profit by the mistakes of inexperienced legislators.” The writer, therefore, speaks of Cornwaleys in terms of highest praise.<sup>3</sup>

<sup>1</sup> *Calvert Papers*, I, pp. 171-172.

<sup>2</sup> *Calvert Papers*, I.

<sup>3</sup> Dr. Smith speaks good things, in spite of his intention to say the contrary. He resembles a certain prophet of old who was paid to curse Israel, but was providentially compelled to utter

There is reason to believe that the majority of the settlers who embarked on this first venture were Catholics, but the fact is by no means settled. In Lord Baltimore's letter, to the Earl of Strafford, we read: "There are two of my brothers gone, with very nearly twenty other gentlemen of very good fashion, and three hundred laboring men well provided for in all things."<sup>1</sup> Before leaving Gravesend the vessel had been visited by Watkins, the "London Searcher," who reported to the privy council, "I offered the oath of allegiance to all and every one of the persons aboard, to the number of about one hundred and twenty-eight, who took the same, and enquiring of the master of the ship whether any more persons were to go the said voyage, he answered that some few others were shipped who had forsaken the ship and given over their voyage by reason of the stay of the ship."<sup>2</sup> But some of the colonists, together with the Jesuit Fathers, embarked at the Isle of Wight, after the vessel had been visited by Watkins.<sup>3</sup> It is likely that those, who thus embarked with the Jesuits, were Catholics, and if Lord Baltimore's assertion, that the colonists numbered about three hundred

good things in spite of himself: "How shall I curse whom God hath not cursed" (Numbers, XXIII)? It is refreshing afterwards to find him say: "In Maryland churchmen (Anglican) have been always singularly free from bigotry" (p. 240).

<sup>1</sup> *Strafford's Letters and Despatches*, vol. II, p. 179.

<sup>2</sup> Watkins' *Certificate*, Pub. Record Office, London.

<sup>3</sup> Scharf, I, p. 68.

and twenty-two be true, the Catholics must have numbered about one hundred and ninety-four.

It has been contended that only Protestants would take the oath, but this is not true.<sup>1</sup> In regard to this subject, Lingard—writing of the condition of the Catholics in England at this time—says: “The greater number, swayed by the authority of the new arch-priest (George Berkhead), and of the Jesuit missionaries, looked upon taking the oath as the denial of their religion; but, on the other hand, many professing to be satisfied by the arguments of Blackwell (the former arch-priest) and his advocates, took it cheerfully when it was offered.”<sup>2</sup> “This controversy,” he adds, “continued to divide the Catholics for the greater part of the century. On the one hand the oath was refused by a majority of those to whom it was tendered; on the other, it was taken by many of considerable weight, both among the clergy and the laity. Among the latter are to be mentioned the Catholic peers, who, with a single exception, spontaneously took the oath on different occasions in the Upper House of Parliament.”<sup>3</sup> As Leonard Calvert did not leave the ship he was numbered among the one hundred and twenty-eight who took the oath. It is certain, that there were other Catholics on board who fol-

<sup>1</sup> For oath, see Appendix D.

<sup>2</sup> Lingard, VII, p. 95. Blackwell afterwards died in prison for his faith.

<sup>3</sup> Lingard, vol. VII, p. 98.

lowed his example. These, with the one hundred and ninety-four who embarked with the missionaries, and who were probably Catholics, would make the Catholics about two-thirds of all the first settlers. This conclusion, however, is contradicted by Father Henry More, in his 'Memorial to the Propaganda at Rome,' in which he says: "In leading the colony to Maryland, by far the greater part were heretics."<sup>1</sup> We have seen above that the Jesuits and their adherents regarded "the taking of the oath as the denial of their religion." Did Father More number among the heretics those Catholics who took the oath? This may be the explanation of this seeming contradiction.

It is more than likely, however, that there were not as many as three hundred on this first voyage. Lord Baltimore supposed, when he wrote to Wentworth, that three hundred had gone, but we know that, at the last moment, many gave over the voyage.<sup>2</sup> In the advertisement, styled a "Relation of Maryland," published in London in 1635, it is said, "These (the governor and councillors), with the other gentlemen adventurers and their servants, to the number of nearly two hundred people, embarked themselves for the voyage."<sup>3</sup>

<sup>1</sup> *Stonyhurst MSS.*, Anglia, iv, No. 108 K., quoted by Bradley Johnson, p. 79.

<sup>2</sup> *Supra*, p. 107.

<sup>3</sup> *A Relation of Maryland*, 1635, republished by Hawks in 1865, p. 4. The editor in a note says of the first settlers, that they were "mostly members of the Church of Rome."

Lord Baltimore, in a Declaration before the Lords, made soon after the first settlement, says: "Having seated already above two hundred people there."<sup>1</sup> According to Oldmixon, who wrote in 1708, during Governor Seymour's administration, "the first colony that was sent to Maryland was in the year 1633, and consisted of about two hundred. The chief of these adventurers were gentlemen of good families and Roman Catholics."<sup>2</sup> In Chalmers we read: "The first emigration, consisting of about two hundred gentlemen of considerable fortune and rank, with their adherents, who were composed chiefly of Roman Catholics."<sup>3</sup> Grahame, a Scotchman and a Presbyterian, writes: "The first band of emigrants consisted of about two hundred gentlemen, of considerable fortune and rank, professing the Roman Catholic faith, with a number of inferior adherents."<sup>4</sup> Governor Sharpe, in the year 1758, asserts, "that the people who first settled in this province were, for the most part, Roman Catholics, and that, though every sect was tolerated, a majority of the inhabitants continued papists until the revolution."<sup>5</sup> If, then, we suppose the number was only about two hundred and twenty-two, which is most probable, it is still likely that the majority were Catholics. For, among the one hundred and twenty-eight who took the oath

<sup>1</sup> *Calvert Papers*, I, p. 228.

<sup>2</sup> *British Empire in America*, p. 184.

<sup>3</sup> *Annals*, p. 207.

<sup>4</sup> *Hist. of U. S.*, II, p. 9.

<sup>5</sup> *Letters of Gov. Sharpe*, II, p. 315.

we must reckon the twenty-two gentlemen adventurers, nearly all of whom were Catholics. It is not improbable, moreover, that some of the redemptioners on board who took the oath were likewise Catholics. The others—about ninety-five—came aboard with the Jesuit Fathers, and we have every reason to suppose, that they were all Catholics. Thus, whether the original number of pilgrims was about two hundred and twenty-two or three hundred and twenty-two, there is good reason to believe that a majority were Catholics. The question, however, is still surrounded with much obscurity.

While no positive assertion can be ventured, in regard to the religion of the majority of the first settlers, it is certain that by far the greater number of those who had a voice from the beginning in the government of the province were Catholics.<sup>1</sup> This is an important fact to remember. By limiting the suffrage Lord Baltimore and the first Catholic settlers in Maryland had it in their

<sup>1</sup> Johnson says, p. 31 : "The physical power was Protestant ; the intellectual, moral and political control was Roman Catholic."

Cfr. Browne's *George and Cecilius Calvert*, p. 45 ; Cobb, p. 370.

Petrie, p. 29, says : "Most of the prominent men during the early years were Roman Catholics."

Hall, p. 37 ; Bozman, I, p. 26 ; McMahon, p. 184.

In the dispute between the Upper and Lower Houses in 1758, the former quotes numerous obsolete authors, such as Bowen, Ogilby and Salmon, in proof of the fact that Maryland was settled by Catholics, and that Catholics were in authority during the early years of the colony's existence.—(*Upper House Journal*, MSS., 1755 to 1761,)

power, by religious tests, to keep the control of the colony in their own hands. But persecution was foreign to the character of the Lords Baltimore, and their acts go to show that their natural inclinations were to kindness, gentleness and conciliation. George Calvert, indeed, was instinctively a very liberal-minded man. He had no sympathy with the self-righteous, narrow-minded policy of the Puritans. Inclined by training to uphold monarchical principles, these tendencies were accentuated by his experience in public life with the lawless intolerance of these people. It has been explained how Catholic authorities regard religious liberty.<sup>1</sup> Advised by the best informed and most influential Catholics in England, it is not surprising that both George and Cecilius Calvert planned the government of Maryland according to these principles. One of the advisers of Lord Baltimore, having been consulted in regard to religious liberty, wrote: "Conversion in matters of religion, if it be forced, should give little satisfaction to a wise State . . . for, those who for worldly respects will break their faith with God, will do it on a fit occasion with men."<sup>2</sup> This opinion of their spiritual superior resolved any

<sup>1</sup> See Chapter I, pp. 1-7.

<sup>2</sup> Johnson, pp. 23-24, appears to give credit to Father Blount for the authorship of the "Objections answered," as does also Cobb, p. 368. Some ascribe this production to Father White, but Hughes, p. 257, says "there is no intrinsic evidence of its being Father White's production," and thinks the author unknown.



doubts of Baltimore and his associates, and as Johnson remarks, may be taken as a "proof that the charter of Maryland was then considered and treated as securing liberty of conscience to Roman Catholics; and that the Society of Jesus undertook to further and extend the planting of the colony, with a full knowledge that the principle of toleration was to be adopted as one of the fundamental institutions of the province."<sup>1</sup>

The influence of this advice we can plainly detect in the Letter of Instructions of Cecilius, Lord Baltimore, to his brother Leonard: "Instructions, 13th of November, directed by the Right Honorable Cecilius, Lord Baltimore, and Lord of the provinces of Maryland and Avalon, unto his well-beloved brother, Leonard Calvert, Esq., his Lordship's deputy-governor of his Lordship's province of Maryland, and unto Jerome Hawley and Thomas Cornwaleys, Esqrs., his Lordship's commissioners for the government of the said province. Imprimis: His Lordship requires his said governor and commissioners that, in their voyage to Maryland, they would be very careful to preserve unity and peace amongst all the passengers on shipboard, and that they suffer no scandal nor offence to be given to any of the Protes-

<sup>1</sup> Johnson, p. 30.

"It has been proclaimed from the very beginning by the proprietary that religious toleration should constitute one of the fundamental principles of the social union over which he presided."—(Grahame, II, p. 21.)

tants, whereby any just complaint may hereafter be made by them in Virginia or in England, and that they instruct all the Roman Catholics to be silent upon all occasions of discourse concerning matters of religion, and that the said governor and commissioners treat the Protestants with as much mildness and favor as justice will permit. And this to be observed at land as well as at sea.”<sup>1</sup> This command of Lord Baltimore was faithfully obeyed by his colonists. It was the first law promulgated for Maryland, a law of religious liberty which remained in force until the colonists came together in Assembly to formulate their own laws.<sup>2</sup>

Attempts have been made to show that the policy of Maryland was the result of compelling circumstances, rather than of a truly liberal spirit. But the arguments adduced fail to prove the assertion. Lord Baltimore, it is true, had promised toleration to all his colonists before they embarked.<sup>3</sup> But in the first Assembly, whose Acts are preserved (1637-38), the freemen, nearly all, if not all, Catholics, overruled the charter rights of the Proprietary, which gave him the initiative in legislation, and they might have done the same in limiting the suffrage. On the question of religious toleration, the Catholic colonists of Maryland prove beyond doubt, by their enactments and conduct, that they were of one mind on this subject with the Proprietary.

<sup>1</sup> *Culvert Papers*, I, pp. 131-132.

<sup>2</sup> *Cfr. Archives*, v, p. 267-268.

<sup>3</sup> *Archives*, v, p. 267.

A comparison between Maryland and Massachusetts will show how little there is in the argument of those who, not being able to deny the fact of toleration in Maryland, endeavor to lessen its force by ungenerous supposition. Had Lord Baltimore adopted, in his colonizing of Maryland, the same mode of procedure carried out by the settlers of the Plymouth colony, had he and his adherents secretly left England, establishing themselves temporarily in some friendly foreign country, and at length, under cover of a mercantile venture set sail for America, planting a province in the New World, it is impossible to prove that he could not have adopted the same intolerant policy as that pursued by the settlers of New England.<sup>1</sup> Massachusetts limited the right to vote and to legislate to a very small minority. In 1665 five-sixths of the people were found to be disfranchised on religious grounds. Writing of Massachusetts, a distinguished historian thus expresses his views: "The statute books of the Commonwealth, during this period (1638), groaned under the severity of laws against error, heresy and schism. Deaths, banishments, whippings, imprisonments and fines are scattered throughout the leaves, and meet the eye at every turn. And this was

<sup>1</sup> Cfr. Cobb, pp. 133-136, 148-149; Bozman, I, 200-213, Edition 1811; *Vide, Old Colony Hist. Coll.*, I, *Pilgrims and Puritans*, I. N. Tarbox; also *The Pilgrim Republic*, by John A. Goodwin; *History of Plymouth Plantation*, by Gov. Bradford; *History of Plymouth*, Gov. Bradford; *Journal of Plymouth Pilgrims*, G. B. Chener.

liberty of conscience.”<sup>1</sup> . . . “I have exhibited these great principles of intolerance, which our ancestors recorded in their histories and enrolled among their laws, and regarded simply in a legal view, it is a startling fact that every execution was a murder; every mutilation a maiming; every whipping a battery; every fine an extortion; every disfranchisement an outrage; and all were *breaches of the charter*. There were no laws in England for hanging or mutilating, or flogging the king’s subjects, because they did not profess the Puritan faith; while, to disfranchise a member of the corporation for any cause unconnected with the objects for which the charter was given, was a clear violation of justice and authority. Unless, then, we lay aside abstract right and wrong, and disregard the nature of the charter, the liberty of the subject, and the supremacy of Parliament, the jurisdiction of the royal courts, the authority of the law, and the prerogatives of the king, we cannot consider the persecutions of the elders of Massachusetts merely as acts of intolerance. They were, in any proper, legal sense, violations of, and crimes against, the laws of England. For the king did not bestow upon the grantees of the charter the power of removing from the kingdom his ‘loving subjects,’ in order that they might deprive them of their ears, or their liberties, for

<sup>1</sup> Oliver, *Puritan Commonwealth*, p. 192.

refusing to conform to a 'sectarian religion.'"<sup>1</sup> It would be difficult to prove that the Catholics of Maryland might not have adopted the same cruel policy. It is said that the Catholics dared not follow the example of the Puritans, for the Catholics were in greater disfavor and weaker in England. Catholics were, indeed, persecuted in England, but so were the Puritans. That James had little love for the Puritans will appear from his address to the ministers, January 16, 1604: "If you aim at a Scottish Presbytery, it agreeth as well with monarchy as God with the devil."<sup>2</sup> "On another occasion the king talked much Latin, and disputed with Dr. Reynolds at Hampton; but he rather used upbraidings than argument, and told the petitioners (Puritans) that they wanted to strip Christ, and bid them away with their snivellings. . . ." "The bishops," says a witness of the scene, "seemed much pleased, and said His Majesty spoke by the power of inspiration. I wist not what they mean, but the spirit was rather foul-mouthed."<sup>3</sup> The king, on the presentation of a petition in their favor, spoke of them in terms of bitterness which

<sup>1</sup> Oliver, pp. 227-228. Cfr. "Representation and Suffrage in Massachusetts," *J. H. U. Studies*, 12th series, by Geo. H. Haynes, Ph. D.; "The Puritan Republic of Massachusetts Bay," by D. W. Howe; "The Puritan as a Colonist and Reformer," by E. H. Byington; "Salem Witchcraft," by S. R. Wells; "Chronicles," by Alex. Young.

<sup>2</sup> Lingard, VII, p. 28; Fuller, *Church Hist.*, III, p. 210.

<sup>3</sup> *Nugae Antiquae*, I, 181, in Lingard, VII, p. 30.

showed how little they had to expect from the goodwill of the monarch, saying that "Both he and his mother had been haunted by Puritan devils from their cradles, but he would hazard his very crown to suppress such malicious spirits, and not Puritans only, but also Papists."<sup>1</sup> If compelled to choose between the two, there can hardly be any doubt that James would have preferred the Catholics.

Charles had no love for the Puritans, and much preferred the Catholics. "It is very certain that he mortally hated the Presbyterians, and would have utterly extirpated the Puritans had it been in his power."<sup>2</sup> Laud was bitterly opposed to them. "This prelate seldom missed an opportunity to show his hatred to them . . . and to him they entertained an implacable enmity."<sup>3</sup> The king seemed particularly well-disposed towards the Catholics, and "though he had promised to proceed with vigor against the recusants, he seems not to have performed his promises . . . he countenanced them during the first fifteen years of his reign, suspending the penal laws and recalling them to Court. . . .

<sup>1</sup> Lingard, VII, p. 30.

<sup>2</sup> Tindal-Rapin's *Hist. of England*, II, p. 274.

<sup>3</sup> *Ibid.*, II, p. 285.

All who opposed the king were considered Puritans, and were harshly treated. In consequence those that set themselves against the absolutism of Charles were, in a measure, forced to cast in their lot with the Puritans, in order to strengthen their opposition. This is considered by Rapin as one great cause of the tide of adherents that set in towards the Puritan party.—(Rapin, II, p. 287.)

Many were elevated to the highest posts.”<sup>1</sup> The following reasons, among others, disposed Charles favorably towards the Catholics: “Though the Papists would not take the oath of supremacy, they would not refuse to take the oath of allegiance, which was sufficient for him to reckon them good subjects. . . . Nothing was more grating to the Puritans than to see the Papists well received at Court, and as the king hated the Puritans, he took a pleasure in mortifying them by caressing their enemies.”<sup>2</sup> Moreover, the softening influence of the queen’s influence made him more tender towards her co-religionists, and Laud’s policy was not to inflame the king against the Catholics for fear of a reaction in favor of the Calvinists.<sup>3</sup> Such was the attitude of Charles towards the Puritans and Catholics. While he was vacillating in his policy towards the Catholics, he was invariably unbending in his severity towards the Puritans.

“But to these Puritans the king granted New England for an asylum, as he granted to Lord Baltimore Maryland as an asylum for the Catholics. He permitted them to erect their own form of government, as he permitted Lord Baltimore; and when the Episcopalian, the Catholic and all others but those of their own particular sect were disfranchised by the Puritans of Massachusetts, when

<sup>1</sup> Rapin’s *Hist. of Eng.*, II, pp. 292, 364.

<sup>2</sup> *Ibid.*, II, p. 364.

<sup>3</sup> *Ibid.*, II, pp. 241–42.

the inoffensive Friends were lashed, their ears slit and their tongues bored, and their blood shed upon the scaffold, when Roger Williams was exiled, the Lion of England slumbered over the fearful wrong. The Puritans of the North were not dearer to the Church of England and the king than the Catholics, nor were they less feared.”<sup>1</sup>

Bozman, who has studied the question thoroughly, draws this conclusion: “The English government through all its vicissitudes as well as those of the New England colonies, from their first planting to their Declaration of Independence, tolerated the Congregational or Independent sect as the *established* religion of New England, and by connivance permitted them to persecute and exclude from their civil government as well as hierarchy every presumptuous intruding heretic. It is probable that the English government would have acted in the

<sup>1</sup>Scharf, I, p. 160. Cfr. Anderson, II, pp. 156-163, 450, 453; Grahame, pp. 226-227; also Cobb, pp. 233-36.

In the first address to the Maryland Historical Society, the speaker, an Episcopalian, sums up the question in these words: “If intolerance had been *in the hearts* of these excellent men, it would readily and assiduously have embodied itself in the enactments and institutions; and restrictions in that spirit would have had their iron rule in the evasions of the chartered interdict, express or constructive. Long too before the sufferings of the oppressed could have reached the ears of English royalty, the odious discriminations might have spread their affliction and tortured the obnoxious to quiescence.”—(Charles F. Mayer, *Md. Hist. Soc. Pub.*, Annual Addresses, Baltimore, 1844.)



same manner by the Roman Catholics of Maryland.”<sup>1</sup>

The author of *The English in Maryland*<sup>2</sup> asserts that “Baltimore could, without danger, have prohibited the immigration of the Puritans, and could have dissuaded in many ways the settlement even of conformists. Not only did he not do any of these things, but he invited Christians of every name to settle in Maryland.”

Irving Spence, in *The Early History of the Presbyterian Church*, says: “I doubt whether there be older Presbyterian blood in America than flows in my veins at this moment; but let us do justice. The government of Maryland was one of the first organized in Christendom which made religious toleration a corner-stone. From its institution until the expulsion of the unfortunate James II from the British throne, indeed, until his Protestant successor laid violent hands upon it, the principle was not only recognized but carried out in practice that ‘error of opinion in religion may be tolerated while reason is left free to combat it.’ . . . The first Lord Proprietor and his successors carried out the purposes of their benevolent ancestor, and while their chartered rights were undisturbed, the inhabitants of Maryland were as carefully protected in worshipping God according to the dictates of con-

<sup>1</sup> Bozman, II, p. 495.

<sup>2</sup> Justin Winsor, *Nar. and Crit. Hist. of America*, vol. III, p. 564.

science, as they are at this time. Religious opinion wrought no civil disqualifications; and no one could be vexed with religious tests, or legally taxed to support any church of any name. Never was any government more indulgent to persons of all religious persuasions than that of Maryland, whilst the Roman Catholic Lords Baron of Baltimore controlled it; and they had powers more ample in fact, as to the matter under consideration than could have been exercised by the First James or his successor, in the kingdom of Great Britain.”<sup>1</sup>

Lord Baltimore not only forbade persecution of Protestants, he commanded, also, that their religious feelings should be respected. He allowed not only freedom of worship, but he gave the franchise to the poor Protestants, who had been unable even to pay their expenses to Maryland. Maryland was intended from the beginning to be a Land of Sanctuary for the oppressed of every creed.

<sup>1</sup> P. 39.

## CHAPTER VI.

Under the charter Lord Baltimore was constituted not only the ruler of the province, he was also the owner of the soil. "Cecilius, Absolute Lord and Proprietary," such was his title.<sup>1</sup> The rights of the Proprietary as civil ruler were later annulled at the Protestant Revolution (1692), but even then his rights as owner of the soil remained intact. Although he had been put to such expense in establishing and furnishing his colony, Baltimore, instead of expecting a large return immediately, granted the lands upon such terms as would not prove a burden to the settlers, insuring them stability at the same time in their possessions. From time to time he published what were called "Conditions of Plantation," setting forth the terms upon which he proposed to grant lands in the province.<sup>2</sup>

<sup>1</sup> Cfr. the Charter. The Proprietary "was more a sovereign in Maryland than the king was in England."—(F. E. Sparks, *J. H. U. Studies*, 14th series, p. 12. Cfr. McMahon, p. 167.)

<sup>2</sup> In the *Declaratio*, published before the colonists sailed, it is said: "Whoever shall pay a hundred pounds to carry over five men (which shall be enough for arms, implements, clothing and other necessaries), whether they shall think best to join us themselves, or to intrust the men and money to those who shall have charge of this matter, or to anyone else, to take care of them and receive a share of the lands: to all the men so sent, and to their heirs forever, shall be allotted the right of two hundred acres of good land (suis omnibus, suis haeredibus in

In 1636 he issued the first "Conditions of Plantation," which actually went into effect. They were even more generous than he had at first promised. For every five persons brought into the colony in 1634 he granted 2,000 acres for the yearly rent of four hundred pounds of wheat. If the settler brought less than five persons, he was to receive one hundred acres for himself, one hundred for his wife, one hundred for every servant, and fifty for every child under fifteen years, for a yearly rent of ten pounds of wheat for every fifty acres. Those who came to the colony in the two succeeding years, were to receive two thousand acres for every ten persons at a yearly rent of six hundred pounds of wheat. Besides, he granted free to all the first adventurers ten acres of land in or around the town of St. Mary's, and five acres for everyone these first settlers brought to the colony.<sup>1</sup> In the succeeding years other conditions were issued less generous than the first, as the risks and burdens in settling decreased.<sup>2</sup> The legal name of the rent was "quit-rents," for upon its prompt payment the tenant was

perpetuum possessio agri boni (200) ducentorum jugerum assignabitur). If, in the first expedition they prove themselves faithful followers, and do good service, they shall receive no small share in the profits of trade, of which hereafter, and in other privileges: *concerning which they will be more fully informed when they come to the aforesaid Baron.*"—(*Fund Pub.*, No. 7, p. 46.)

<sup>1</sup>*Archives*, III, p. 47.

<sup>2</sup>Cfr. Kilty, *Land Holder's Assistant*, pp. 29–50.

quit of any other service but fealty. "Whether estimated in commodities or money the rent services were not onerous."<sup>1</sup> These certificates of land were used sometimes as a medium of exchange, being probably the first paper currency in America.<sup>2</sup> The Proprietary in taking up claims of land subjected himself to the same conditions under which he gave the land to others. His portion of land was to be allotted according to the number of persons he had sent to the colony.<sup>3</sup> The Jesuit Fathers, it is said, received 28,500 acres.<sup>4</sup> These generous provisions calculated to produce contentment among the first

<sup>1</sup> Wilhelm's *Local Institutions of Maryland*, p. 23. Cfr. also *Calvert Papers*, I, p. 206.

<sup>2</sup> Wilhelm, *ibid.*, p. 28.

<sup>3</sup> *Calvert Papers*, I, p. 319.

<sup>4</sup> *Fund Pub.*, No. 18, p. 200.

"Thomas Copley, Esq. (alias Father Philip Fisher), made his demand for lands under the "Conditions of Plantation" of 1636, for transporting Mr. Andrew White, Mr. John Altham and thirty others in 1633, and Mr. John Knowles and thirteen others in 1637."—(Kilty's *Land Holder's Assistant*, p. 68.)

"He obtained 28,500 acres, distributed the greater portion to others, and retained 8,000 acres for the Society of Jesus and the use of the Church. The first tract he took up for the Society was 2,000 acres, called St. Inigoes, 1,000 acres called St. George's Island, and 400 acres of town land, about the town of St. Mary's. The second tract taken up by him was St. Thomas and Cedar Point Neck (in Charles County near Port Tobacco). Copley was a Jesuit priest, but inasmuch as the Statutes of Mortmain prohibited the taking of lands for pious uses, he is recorded as Thomas Copley, Esq. The title was taken in his name for the secret use of the Society. In one of these conveyances the 400 acres, near St. Mary's, was omitted by accident, and the Fathers thus lost the land."—(*Woodstock Letters*, IX, p. 171, in Johnson's *Foundation of Maryland*, pp. 200–201.)

settlers are in striking contrast with the intolerable situation, in which the poorer first planters of Virginia found themselves at the inception of that colony.<sup>1</sup>

Before any law of which we have a record was passed on the subject of religion, there occurred an event which proves beyond question the fact that religious liberty was a law of Maryland, and that it was rigidly enforced by the Catholics, who were in control of the Province. In July, 1638, took place the trial of William Lewis. William Lewis, a Catholic and the overseer of Father Copley, upon entering his house one day, heard two of his Protestant servants reading aloud a book containing "matter much reproachful to his religion; namely, that the Pope was Anti-Christ, and the Jesuits anti-christian ministers" and such like expressions. "They read it aloud to the end that he should hear it." Much incensed at the insult to his religion, and, possibly also, to the disrespect offered to himself, he expressed himself in no uncertain terms, telling them "that it was a falsehood, and came from the devil, as all lies did, and that he that writ it was an instrument of the devil."

The two servants reported the matter to their fellow-bondmen, who were Protestants, and as an outcome of their conference a petition was drawn up, asking that their grievance might be redressed. The matter coming to the ears of Captain Cornwaleys,

<sup>1</sup>Cfr. "White Servitude in the Colony of Virginia," James Curtis Ballagh, *J. H. U. Studies*, pp. 11-21.

he undertook the settling of it at the next Court, when Lewis the defendant, the plaintiffs and the witnesses appeared. As the result of the trial, Lewis was found guilty of having offended *against the proclamation made for the suppressing of all disputes in religion*, and a heavy fine was imposed as a punishment.<sup>1</sup>

It is most important to notice, in connection with this trial, that the Governor, the "Captain" (Cornwaleys) and the Secretary were Catholics, that Lewis was a Catholic, being the overseer of Father Copley at St. Inigoes, and that Father Copley condemned the conduct of Lewis, while all the claimants to the suit were Protestants and not even freemen. "Thus, four years only after the settlement, liberty of conscience was vindicated by a recorded sentence, and unreasonable disputations in point of religion, rebuked by a Catholic governor in the person of a Catholic offender. There could scarcely be a clearer evidence of impartial and tolerant sincerity."<sup>2</sup> Thus it is clearly evident that "the Protestants of the colony were asserting, and the Catholic authorities were readily conceding their right to enjoy their religious opinions unmolested."<sup>3</sup>

We find in the sentence, it was for offending against "a proclamation" that Lewis was condemned to pay the fine. As to when this proclamation was made, or how it had the force of a law,

<sup>1</sup>*Archives*, iv, pp. 35-39.—(See Appendix E.)

<sup>2</sup>Mayer's *Calvert and Penn*, p. 47.   <sup>3</sup>*Streeter Papers*, p. 236.

the records extant do not enlighten us. There is reason to believe that the instructions sent by Lord Baltimore, to his brother and the Councillors, forbidding any "scandal or offence to be given to any of the Protestants," and which were to be "observed on land, as well as at sea," was the law still in Maryland. Dr. Browne thinks that a law forbidding disputes on religious topics was enacted at the First Assembly, 1634-35, the records of which are lost.<sup>1</sup> Whatever may have been the origin of this salutary law, the fact remains beyond doubt, that there was a law of some sort which was well understood by the colonists, for Lewis made no complaint against the sentence passed upon him.

Another instance illustrating the broad toleration in vogue at this time in the colony occurs a few years afterwards. On the 23rd of March, 1641, a "Petition of the Protestants was read complaining against Mr. Thomas Gerard for taking away the key of the chapel and carrying away the books." "Mr. Gerard being charged to make answer, the house, upon hearing of the prosecutors and his defence, found that Mr. Gerard was guilty of a misdemeanor, and that he should bring the books and key taken away, to the place where he had them, relinquish all title to them or the house, and should pay for a fine 500 lbs. of tobacco towards *the maintenance of the first minister as should arrive.*"<sup>2</sup>

<sup>1</sup>*Archives*, v, Preface, p. 1.

<sup>2</sup>*Archives*, I, p. 119. Italics the author's.



Mr. Gerard was a Catholic, and "these proceedings show the scrupulous care of the authorities to preserve freedom of worship."<sup>1</sup>

In these cases we see strongly emphasized the inexorable quality of the law of religious liberty which prevailed in the colony from the very landing of the settlers. It was the statute paramount, guarded by the Catholic authorities with the most absolute fidelity and with the most jealous care. They seem to have had an extreme sensitiveness concerning any, even the least, infringement of its provisions, and justice moved swiftly to punish the offender who rashly dared to assail the cardinal principle of the colony's foundation. Thus was the sacred fire of religious freedom guarded by the Catholics, who had first kindled the spark upon the shores of the New World. The proclamation and promise of the Catholic Proprietary, the enactments of the Catholic legislators, were held inviolate and defended by the Catholic officials, whose duty it was to enforce the law. Any transgression by a Catholic was punished with what appears to be almost an excessive harshness, as if, indeed, the Catholic government felt called upon, in an especial manner, to guard with an unimpeachable fidelity the spiritual interests of those of different creeds, who had with such generous abandon trusted themselves to their care. It was the 'noblesse oblige' of the Land of Sanctuary.

<sup>1</sup> Steiner, *Maryland During the English Civil Wars*, p. 31.

The oath prescribed for the Governor in 1648 is the first in which any mention of religion is made. According to this oath the Governor swears: *I will not by myself nor any person, directly or indirectly, trouble, molest, or discountenance any person whatsoever in the said Province professing to believe in Jesus Christ, and in particular no Roman Catholic, for or in respect of his or her religion, nor in his or her free exercise thereof within the said Province, so as they be not unfaithful to his said Lordship, nor molest or conspire against the civil government here under him. Nor will I make any difference of persons in conferring of offices, rewards or favors proceeding from the authority which his said Lordship hath conferred upon me as his Lieutenant here, for, or in respect of their said religion respectively, but merely as I shall find them faithful and well-deserving of his said Lordship, and to the best of my understanding endowed with moral virtues and abilities fitting for such rewards, offices or favors, etc.*<sup>1</sup>

In the oaths of 1639 and 1643 we find no trace or mention of toleration, no prohibition against discrimination on account of faith, showing that religious liberty was *a thing that went without saying* in the colony that was founded and settled primarily for this purpose. With Catholics in power, there was no need for the casting up of bulwarks in legislation to insure men in their rights, civic and spiritual.

<sup>1</sup>*Archives*, III, p. 209-210.

But times had changed. The oath prescribed in 1648, in its provisions, forbidding injustice on account of religion, safeguarding the Catholics in particular, contains a portent of the coming persecutions; it is designed as a breakwater against the rising tide of Protestant power and consequent intolerance. Toleration was about to become in "state of siege," and for this reason we witness the preparation for defense, the ominous wording of the oath of office.<sup>1</sup>

In the laws enacted and enforced by the Catholic colonists in their Assemblies, we perceive the same liberal spirit which had animated the Lord Proprietary in founding the colony. The first Assembly of Maryland consisted of Leonard Calvert, the Lieutenant-Governor, as chief executive, and the freemen of the Province.<sup>2</sup> This Assembly met for the first time on the 26th of February, 1635.<sup>3</sup>

<sup>1</sup>Streeter says: "The prohibition in regard to molesting believers in Christ cannot be found in any commission before that to Governor Stone," August, 1648.—(*Streeter Papers*, p. 244.) See Appendix F.

<sup>2</sup>"Freeman" is evidently not synonymous with "Freeholder" but meant any colonist, not an indented servant or 'redemptioner,' who had reached his majority. "Some of the most honored names in our history were redemptioners,—such as Charles Thomson, Secretary of Congress during the Revolution; Matthew Thornton, a signer of the Declaration of Independence, and the parents of Major and Governor Sullivan." Scharf, I, p. 273.

<sup>3</sup>Chalmers' *Annals*, pp. 210–232.

No record of its laws save one has been preserved to us.<sup>1</sup> As the Proprietary was entitled to the initiative in legislation,<sup>2</sup> he naturally disapproved of the Assembly's proceedings, and the English common law prevailed during the next two years.<sup>3</sup>

In 1637 the government of the colony was re-organized. The commission sent by Lord Baltimore, the earliest extant, to his brother Leonard (dated April 15th, 1637), appoints him "Lieutenant-General, Admiral, Chief Captain and Commander, as well by sea as land," and gives him absolute authority in warfare. He is also constituted Chancellor, Chief Justice and Chief Magistrate, and he is to appoint all officers. He is to summon all the *freemen* the following January. At this Assembly he is to signify to them that the Proprietary dissented to all laws hitherto passed by them, and is to show them the draught of laws sent by himself. If the freemen agree to these laws they are to be published at once. Leonard is given authority to call assemblies whenever he sees fit, and "to propound and prepare other wholesome laws and ordinances for the government and well-ordering of the said Province and people within the same, to be by us assented to and confirmed, if upon view and mature consideration had of the same, we shall in our judgment approve

<sup>1</sup> Chalmers, pp. 210-232 ; *Archives*, I, p. 23.

<sup>2</sup> Charter, sec. 7, Appendix C.

<sup>3</sup> *Archives*, I, p. 48 ; Johnson, p. 34.

thereof." In case of emergency full power is likewise granted to the Governor "to publish in our name such reasonable ordinances, edicts and proclamations with reasonable pains and penalties . . . . provided that such penalties . . . . do not extend to the taking away of life, members, freeholds, goods or chattels," and these ordinances, edicts or proclamations are to be in force till he or the Governor revokes them. The Governor is given authority to call and adjourn all assemblies.<sup>1</sup>

Much has been said about the Proprietary's insistence upon his charter rights of initiating laws. That he had this right no one can deny. From the terms of this commission, he does not by any means appear to be so stubbornly set upon asserting his rights, as some authors would lead us to believe.

Leonard is further commissioned to name all ports for shipping. He may pardon all offenses except treason. All land grants, according to the "Conditions of Plantation," after being enrolled by the Secretary and sealed by the Governor, shall be as binding at law on the Proprietary as if he were present. He appoints Jerome Hawley, Thomas Cornwaleys and John Lewger the Councillors of the Governor. All of these were Catholics.

Leonard is likewise constituted Chief Judge in all cases, criminal and civil, according to the laws of the Province, or in default of such laws, accord-

<sup>1</sup>*Archives*, III, pp. 49-55.

ing to the laws of England, but cases which involve the loss of life, limb, or freehold are to be decided by the Council or any two of them with the Governor, and after giving sentence they are to award execution accordingly. The Secretary, Mr. Lewger, is made recorder of land-grants, collector, and keeper of the proceedings of the Council. In the event of the death or absence of the Governor, anyone appointed by him shall exercise his prerogatives. If for any reason the Governor fails to do this, the majority of the Council are to appoint the Executive subject to the Proprietary's approval.<sup>1</sup> Such was the constitution of the first government of Maryland.

John Lewger, the newly appointed Secretary of the Province, was born in London, 1602, was admitted to Trinity College at fourteen, and at seventeen took the degree of Bachelor of Arts. When thirty-three he took the degree of Bachelor in the faculty of Divinity, and received a handsome benefice in the County of Essex. After a careful study of the claims of the Catholic Church, he resigned his benefice and became a Catholic. Cecilius Calvert, who had been a fellow-commoner with Lewger at Oxford, learning of his conversion, made him a member of his own family. When Lord Baltimore determined to send out a new commission to his brother Leonard and organize the colony,

<sup>1</sup> *Ibid.*

Lewger appeared as the most acceptable person to perform this service, and at the same time, take upon himself the duties of the newly created office of Secretary of the colony. Lewger arrived in the Province, accompanied by his wife Ann, his son John, and several servants. In his position, as representative of Lord Baltimore, he naturally took the side on all occasions that seemed most agreeable to his friend and patron. He remained in the colony until the death of Leonard Calvert. About the same time he lost his wife. Returning to England, he became a priest, and during the plague in London, 1665, sacrificed his life in unselfishly ministering to the sick and dying. "His end was not unworthy of one who had given up old associations for solemn convictions of truth and right; who had left the refinements and pleasures of a civilized land to bear the blessings of good government and Christian truth into a new community and a far-off wilderness; and who at last crowned his labors by sublimely disregarding self, and giving forth his last breath, in a benevolent effort to aid and comfort his suffering and dying fellow-men."<sup>1</sup>

On January 25th, 1638,<sup>2</sup> in obedience to the

<sup>1</sup> Kilty, p. 37. *Streeter Papers*, pp. 218-276. Cfr. also Hughes, *History of S. J. in N. America*, *passim*.

<sup>2</sup> *Archives*, I, p. 2.

In order to avoid confusion it will be well to note that the dates in this volume are according to what is called the new style. In 1582 Pope Gregory XIII ordered a revision of the calendar so as to make the civil year conform to the solar year.

instructions of Lord Baltimore, given the preceding April, the Second Assembly convened. This

The Catholic countries generally adopted the change. But England preferring to be wrong rather than Papal still adhered to the old way of reckoning. After 170 years finding it inconvenient to be eleven days behind the calculation of Almighty God and the Catholic world at large, England in 1752 adopted the Gregorian calculation, and by Act of Parliament, the third of September, 1752, was made the 14th and the intervening days suppressed. Russia still adheres to the old calendar. At the same time a change was made as to the day on which the year should begin. "At the Reformation in England," says Bozman, "in Henry VIII's reign, in the early part of the sixteenth century, both the civil and the ecclesiastical authority interposed to fix the commencement of the year to the feast of the Annunciation by adding the following rubric to the Calendar immediately after the table of movable feasts for forty years, viz. : 'That the supputation of the Feast of our Lord, in the Church of England, beginneth the 25th of March, the same day supposed to be the first day upon which the world was created, and the day when Christ was conceived in the womb of the Virgin Mary,' which stood thus down to the Savoy conference, soon after the Restoration, when it was thought proper to retain the order, and drop the reason given for it, and in this shape it was continued down to the late Parliamentary correction of the calendar. It will be acknowledged, we may suppose, that this variance in the commencement of the year would not affect the dates of any events mentioned to have occurred out of the space of time contained between the first of January and the twenty-fifth of March. The English, for the greatest part of the year, design it by the same number that the rest of the Christian world does ; but for three months ; viz., from the calends of January to the 8th of the calends of April (that is, from the first day of January to the 25th day of March) 'they wrote one less.' This is illustrated by the instance put by our annalist, Dr. Holmes : 'It was customary,' says he, 'to give a double date from the 1st of January to the 25th of March. Thus February 8th, 1721, was written



Assembly was composed of the Lieutenant-Governor, the freemen of the colony, or their deputies, and in addition there were others appointed by the Governor.<sup>1</sup> The Proprietary reserved the right to summon members by special writ. The franchise was not only the right but the duty of every freeman. In the Assembly of 1642 "Mr. Thomas Weston, being called, pleaded he was no freeman because he had no land nor certain dwelling here, etc., but being put to the question, it was voted that he was a freeman, and as such bound to his appearance by himself or proxie, whereupon he took his place in the house."<sup>2</sup> Thus Maryland not only granted the franchise to all freemen, but obliged them to exercise it.<sup>3</sup> The freemen were thus "made

February 8th, 17<sup>-20</sup>/<sub>-21</sub>.' This demonstrates that in the remaining part of the year there was no difference between the English and the rest of Europe, as to the date of the year. It is true that the days thrown out by Pope Gregory, in his reformation of the Calendar, made that much difference from the English computation, in the days of the months, but as to the date of the year, which is the present question, it has no effect."—(Bozman, p. 351, Edition 1811.)

<sup>1</sup>*Archives*, I, p. 2. The three Jesuits were summoned with the other freemen but were excused on a plea of sickness. For a brief sketch of the members of the Assembly of 1638, see *Streeter Papers*, pp. 57-103.

<sup>2</sup>*Archives*, I, p. 70.

<sup>3</sup>In 1681, in fact, the franchise was limited to freeholders. This was re-enacted by the Assembly after the Protestant Revolution of 1692. This provision continued until 1802 when property qualifications for votes were abolished.—McMahon, I, pp. 443-445, who does not agree with Bozman, in respect to the privileges of freemen.

to feel that they were dwelling under their own government. Religious liberty was subject only to the restraints of conscience; courts of justice were established, and the laws of the mother-country, securative of the rights of person and property, were introduced in their full operation. The laws of justice and humanity were observed towards the natives. The results of so sagacious a policy were soon perceived. During the first seven years of the colony, its prosperity was wholly uninterrupted; and when the interruption came, it proceeded from causes no policy could have averted.”<sup>1</sup>

This Assembly at once rejected the “Body of Laws” sent over by the Proprietary and determined to make its own.<sup>2</sup> After demurring for a time, Lord Baltimore agreed, August 21st, 1638, that their laws should be in force “until I or mine heirs shall signify in me or their disassent thereto.”<sup>3</sup>

This Assembly enacted: “Holy Church within this Province shall have all her rights and liberties.”<sup>4</sup> On October 23rd, 1640, was published an Act of Church Liberties: “Holy Church within this Province shall have all her rights, liberties and franchises, wholly and without blemish.”<sup>5</sup> This phrase, “Holy Church,” has given rise to much

<sup>1</sup> McMahon, p. 196.

<sup>2</sup> *Archives*, I, 9-11; Chalmers, 211.

<sup>3</sup> *Archives*, I, p. 31; *Archives*, III, p. 51.

<sup>4</sup> *Archives*, I, p. 83, October 19th, 1639.

<sup>5</sup> *Archives*, I, p. 96.

interesting discussion.<sup>1</sup> "This law," says Cobb, "was in harmony with the mandate of the charter

<sup>1</sup>In the Charters of Henry I, of Stephen, of Henry II, of John and 1st, 2nd and 3rd of Henry III, we find the words "Holy Church" (*Sancta Ecclesia*). Also in the Charter of Edward II (*Sainte Eglise*).

Henry I : Sanctam Dei Ecclesiam liberam facio.—(Rapin, II, p. 283.)

Stephen : Sanctam Ecclesiam liberam esse concedo, et debitam reverentiam illi confirmo.—(Rapin, II, 284.)

Henry II : Sciatis me . . . concessisse et redidisse et praesenti charta mea confirmasse Deo et Sanctae Ecclesiae, et omnibus comitibus baronibus et omnibus hominibus mei, omnes consuetudines, quas rex Henricus avus meus eis dedit et concessit.—(Rapin, II, p. 284.)

John : Quod Anglicana Ecclesia libera sit et habeat jura sua integra et libertates suas illesas.—(Wm. Blackstone, *The Great Charter and Charters of the Forests*, p. 11.)

1st Henry III : Quod Anglicana Ecclesia libera sit et habeat jura sua integra et libertates suas illesas.—(*Ibid.*, p. 28.)

2nd Henry III : Quod Anglicana Ecclesia libera sit et habeat jura sua integra et libertates suas illesas.—(*Ibid.*, p. 38.)

3rd Henry III : Quod Anglicana Ecclesia libera sit et habeat jura sua integra et libertates suas illesas.—(*Ibid.*, p. 48.)

Thus was the Church in England guaranteed in her rights and liberties by Catholic Kings. "*Anglicana ecclesia*" is sometimes translated Church of England, but this is confusing. The "Church of England" as an organized body separate from the Catholic Church did not, of course, exist until the sixteenth century. Of late years the fashion has come into vogue of confounding the identity of the *Ecclesia Anglicana* of the old Charters with the modern "Church of England;" but it is too absurd to deserve more than a passing notice. Gardiner says : "Such a phrase, 'Holy Church,' was never to my knowledge applied to the Church of England after the Reformation."—(*History of England*, VIII, note to p. 180.)

"It scarcely needs observation that the 'Church of England' was at the times both of making and confirming *Magna Charta* the

to Baltimore, that 'nothing should be done contrary to God's holy and true religion.' It is quite as notable for what it omits as for what it declares, making no distinction among the various Christian bodies, each of which claimed to be 'Holy Church' and to represent God's holy religion. There can be no doubt, indeed, that these Maryland law-makers were Romanists to a man, or that had they been called upon to specify the particular communion, which was to them 'Holy Church,' with one voice they would have named the Church of Rome. But this definition they studiously refrained from making, leaving to each citizen of the colony to decide for himself as to what communion he would call Holy Church, and asserting that that Church must be free from all interference by the civil power. This was practical religious liberty."<sup>1</sup>

Speaking of these laws, Brantly says: "Both

same as the *Church of Rome* to which the appellation of "Holy Church" was then commonly applied."—(Bozman, I, 107-109.)

Rev. J. S. M. Anderson, chaplain to the Queen, says, "It cannot be doubted that the Proprietor of Maryland, being a Roman Catholic, understood by the expression 'Holy Church' only that Church with which he was in communion; the jurisdiction of which, in matters spiritual and temporal, was established in England when *Magna Charta* was signed."—(*History of the Church of England in the Colonies*, dedicated to the Archbishop of Canterbury, I, p. 490.)

<sup>1</sup> Cobb, pp. 371-372. Cobb is in error in saying that all the members of this Assembly were Catholics. Many of the Protestant redemptioners having become freemen, took their seats in this Assembly.—(*Calvert Papers*, I, p. 202). Kent Island was also represented by Protestants. But there is no doubt that the great majority were Catholics.

are founded on the first clause of *Magna Charta*, and must be held to apply to the Roman Church, since the phrase 'Holy Church' was never used in speaking of the Church of England. But these acts can hardly be regarded as evidence of an intention to establish the Roman Church. They do not seem to have had any practical effect whatever. We have seen that Lord Baltimore proposed to make all creeds equal in Maryland."<sup>1</sup>

"To the phrase 'Holy Church' no Protestant could reasonably object," says Browne, "it was the first clause of *Magna Charta*, promulgated when there could be no question as to what was 'Holy Church,' and still cherished as the paladium of English liberty. And, of course, no Catholic would object. Like the phrase, 'God's holy and true Christian religion' in the charter, it could be accepted by all believers in Christianity; though, in strict fact, the phrase 'Holy Church' was never applied to the Protestant Church of England."<sup>2</sup> It is Burnap's opinion that "there can be no doubt what church is here meant by 'Holy Church.' It is nearly a copy he notes of a clause in the *Magna Charta* of England, obtained in the time of John, when the Roman Catholic Church was everywhere predominant. It was enacted by a legislative Assembly, a majority of whom were Catholics; it was passed

<sup>1</sup> *Nar. and Crit. Hist. of America* (ed. Justin Winsor), III, p. 530.

<sup>2</sup> Browne's *George and Cecilius Calvert*, p. 102.

upon by the Proprietary of the soil, himself a Catholic.”<sup>1</sup>

“It is certain,” says Bozman,<sup>2</sup> “that a majority of the colonists of Maryland were, at the time of this session of Assembly (1639) English Roman Catholics. They professed themselves to be of the same church as that alluded to in Magna Charta, to wit, the Roman Catholic Church, which was at the time of making Magna Charta, the Church of England as therein expressed. The expression ‘Holy Church’ used in the act of Assembly, occurs not only in Magna Charta, but in most of the other charters prior to it, and indeed is a well-known expression commonly applied to the Church of Rome. Although the provincial government of Maryland did, as we have before seen, permit Protestants to reside within the Province, yet it does not appear, that they had no intention of making the Roman Catholic Church the *established church* of the province. When we reflect on the original causes of their emigration, on the legislative provision for the benefit of their church, and on a similar law passed in the succeeding year, 1640, we cannot but suppose that it was the intention of those in whose hands the government of the province was (a majority of whom were, without doubt, Catholics, as well as much the greater number of the colonists) to erect a hierarchy, with an ecclesiastical jurisdiction, similar to the ancient Church of England before the Reformation,

<sup>1</sup> Burnap, p. 172.

<sup>2</sup> II, p. 108.

and to invest it with 'all rights and immunities.' ” Herein Bozman exhibits the character of the Protestant. The Catholics had the power to establish their church, therefore, he concluded from this law they intended to do so. The Protestant always made his church the established Church, whenever the opportunity offered. Quite naturally he cannot understand that the Catholic would not do the same. In point of fact, there cannot be shown a single evidence from the subsequent acts or legislation of the Catholic majority, that they intended to make the Catholic Church exclusively the established Church of the colony. By this act they simply proposed to protect themselves against possible Protestant intolerance in the future. Bozman adds: “It does not appear that these heretics or Protestants enjoyed any other *immunity* than a mere toleration of residence and a security in the protection of their persons and property.”<sup>1</sup> Even if this were so, such protection was more than the Catholics enjoyed under later Protestant administrations. But Bozman seems to forget that every Protestant, even if he came as a penniless redemptioner to the Catholic colony, had a voice in the legislation of the province, as soon as he had served out his term. His vote was equal to the vote of the Catholic, who had spent his fortune in establishing a refuge for the poor or persecuted Protestant. All Christian denominations

<sup>1</sup> Bozman, II, p. 109.

had the same advantages as the Catholics, inasmuch as Lord Baltimore was willing to grant, and did grant lands to the ministers of other denominations under the same conditions as he granted them to the priests, and that none were asked to support any denomination unless he chose.<sup>1</sup> All were free to erect their own churches. The fine of Dr. Gerrard imposed by a court, the majority being Catholics, was to go for the support of the first minister that should arrive in the colony.<sup>2</sup>

Mr. Brantz Mayer says: "In 1640 legislation had already settled opinion as to the rights of Catholics and Protestants. Instead of the early Catholics seeking to contract the freedom of the other sects, their chief aim and interest seems to have been to secure their own. I consider the acts I have cited (1639-1640) as more declaratory than as necessary and original laws."<sup>3</sup>

In view of the subsequent conduct of the Catholics, it cannot be asserted that in passing this "Act for Church Liberties," the Catholics made their church the established church, to the exclusion of other de-

<sup>1</sup> A grant was made to Mr. Brooke, "to whom Lord Baltimore had shown particular favor, having given him liberty to build and erect chapels in any part of the land allotted to him, and the advowsons and donations to all such" (1650). About the same time Mr. Wilkinson, an Anglican minister, also came to the colony.—(C. E. Smith, *Barons of Baltimore*, p. 316.)

<sup>2</sup> *Archives*, I, p. 119. For case of Dr. Gerrard, see p. 128.

<sup>3</sup> *Calvert and Penn*, p. 48.



nominations. While fixing the status, safeguarding the liberties, and guaranteeing the franchises of the Church of their own faith, they did not lose sight of the rights and liberties of their Protestant fellow-settlers, and on the same day they enacted another law which evidently had that purpose for its inspiration and end. "The inhabitants of this Province," it reads, "shall have all their rights and liberties according to the great charter of England."<sup>1</sup> Thus, while the Catholic Church was especially protected in her "rights and liberties," this guarantee wrought no prejudice to any other Christian denomination.

In view of the enacting of this second law to defend the religious liberty of the Protestants of the colony, it can hardly be contended, with even a shadow of justice, that the Maryland Catholics and the Lord Proprietary were unmindful of their solemn covenant, that all religions should be equally protected, if they, at the same time, insured to the "Holy Church" of their own communion, her "rights, liberties and franchises, wholly and without blemish."<sup>2</sup> Had this law, as well as the charter, been broader still, so as to exclude none on religious grounds, it would, doubtless, have been more in accordance with the first Lord Baltimore's private views; and his son Cecilius, as we shall see, gave the privilege of citizenship to a Jew.

"This system of toleration," says McMahon, "was coeval with the colony itself, and sprang from the

<sup>1</sup>*Archives*, I, p. 83.

<sup>2</sup>*Archives*, I, p. 41.

liberal and sagacious views of the Proprietary.”<sup>1</sup> Grahame<sup>2</sup> says: “With a liberality unparalleled in that age, he united a general recognition of Christianity as the established fact of the land, with an exclusion of the political predominance or superiority of any one particular sect or denomination of Christians. This wise administration soon converted a desolate wilderness into a flourishing Commonwealth, enlivened by industry, and adorned by civilization. It is a proof at once of the success of his policy and of the prosperity and happiness of the colonists, that, a few years after, they granted to their Proprietary a large subsidy of tobacco in grateful acknowledgment of his liberality and beneficence.”

It has always been an occasion of conjecture, why so few Catholics took advantage of the opportunity to leave England and settle in Maryland. The reason may be found in a proclamation of King Charles, the last day of April, 1637, against the disorderly transporting of his Majesty's subjects to the plantations within the ports of America.<sup>3</sup> According to the terms of this proclamation no one liable to pay the subsidy tax was to leave England without the permission of the Commissioners of Plantation, and no one under the degree of subsidy was even to depart “without a certificate of two justices of the peace . . . that he had taken the oaths of supremacy and allegiance, and like testi-

<sup>1</sup> McMahon, p. 226.    <sup>2</sup> II, p. 10-11.    <sup>3</sup> Rushworth, II, p. 409.

mony from the minister of his parish of his conformity to the orders and discipline of the Church of England.”<sup>1</sup>

It was shortly after the passing of the Act for Church Liberties that Lord Baltimore invited the Puritans of Massachusetts to participate in the peace and prosperity which Maryland enjoyed in consequence of religious liberty. “Winthrop notes in his *Journal* for 1643 that Baltimore himself invited the Puritans of Massachusetts offering lands and privileges, ‘with full liberty of conscience.’”<sup>2</sup> “This letter reached Boston,” says Hawks,<sup>3</sup> “about the time of a transaction which it were to be wished could not be written upon the records of New England’s history. The inhabitants of Massachusetts had just been thrown into a pious consternation by the stupid and unintelligible ravings of Gorton and his followers, which merited nothing but contempt; and were now settling down into a repose produced by a sentence upon the poor sufferers, which purposed to cure heresy with fetters. At such a time to offer liberty

<sup>1</sup> Sir Richard Lechford tells Leonard Calvert, his partner in the fur trade, “how unhappily matters stand with me; first my children the beginning of March were going beyond the seas for nuns. Apprehended and examined, whereupon I was called before the Counsel Board, questioned about my religion, committed unto the fleet, my place at court taken immediately from me, and there remained 9 weeks, and ever since pursuivants and messengers persecuting me, and sometimes the whole Council sending for me. . . . I received many sharp checks, besides great charge and loss.”—(*Calvert Papers*, III, p. 46.)

<sup>2</sup> Cobb, p. 373.

<sup>3</sup> *Ibid.*, p. 31.

of religion to men who were congratulating themselves upon the successful application of their iron preservative of orthodoxy, doubtless provoked a sneer at the stupidity which could present *toleration* merely as a temptation to removal. Human ingenuity could not have devised a better-timed or keener rebuke than is contained in this offer of religious freedom from the persecuted Papist to his Protestant fellow-sufferer ; human wit could not have made the memory of that rebuke more lasting than it is made by the scornful rejection of the offer."

It was during this period that there arose the much discussed controversy between Lord Baltimore and the Jesuit Fathers. The question has relation to our present subject, inasmuch as the attitude of the Jesuits has been taken as an indication that the Church was opposed to the policy of religious liberty adopted by Lord Baltimore.<sup>1</sup> That this is not true can be seen from the fact, that the first Lord Baltimore had established religious liberty in Newfoundland, having in his colony there both ministers and priests of whom, at least, two were Jesuits, and his policy was not questioned.<sup>2</sup> In the second place, when the dispute between Cecilius Calvert and the Jesuits was at length brought before the authorities at Rome, the decision was given, as we shall see, in favor of Lord Baltimore by no less a person than the

<sup>1</sup> C. E. Smith, *Religion Under The Barons Baltimore*.

<sup>2</sup> Hughes, *Hist. of S. J. in N. A.*, pp. 190-193.

General of the Society of Jesus. The difference, however, between Lord Baltimore and the Jesuits, while it does not bear directly upon religious liberty, may be considered as having some relation to it, and cannot, therefore, be entirely omitted in treating that subject.

The principal subjects at issue between Lord Baltimore and the Jesuits were: they objected to the introduction of the Secular clergy into Maryland; to the payment of quit-rents in corn; to the obligation of military service on the part of their servants, and to being assessed for the building of a fort; to the rule that their adherents should be considered amenable to the civil laws in temporal affairs in common with the rest of the settlers of the colony; and finally, they protested against the determination of the Proprietary that they should not receive lands from the Indians except according to the terms of his charter.

Whatever conclusion may be reached as to the justice of the claim on either side, two facts should not be lost sight of. In the first place, the generous, self-sacrificing conduct of these missionaries, which is borne witness to by every writer on this subject, even the most prejudiced,<sup>1</sup> precludes the conclusion that the good Fathers were actuated by mere mercenary motives. "Their pathway was through the desert," says Davis, an Episcopalian,

<sup>1</sup> "They were trained to be soldiers of the cross."—(E. D. Neill, *Terra Mariæ*, p. 71.)

“and their first chapel, the wigwam of an Indian. Two of them were here at the dawn of our history; they came to St. Mary’s with the original emigrants; they assisted by pious rites in laying the corner-stone of a state; they kindled the torch of civilization in the wilderness; they gave consolation to the grief-stricken pilgrim; they taught the religion of Christ to the simple sons of the forest. The history of Maryland presents no better, no purer, no more sublime lesson than the story of the toils, sacrifices, and successes of her early missionaries.”<sup>1</sup> “The Order of Jesus,” says Oliver, “revived the magic of an Apostolic age. It is not difficult to discover the secret of this matchless series of triumphs. The object of the Jesuit was to civilize through the softening effects of religion. . . . and conforming to his (the Indian’s) outward life, possessed himself of that key to all human action—the heart. The Indian proselyte loved the Jesuit. . . . The man of learning, the scholar and the gentleman became as a brother to the children of the wilderness. He lived in their wigwams, smoked their pipes, and ate of their venison. He shared their hardships, and sympathized with their joys. In a word, acting upon the Apostolic rule, ‘with the weak he became weak, in order that he might gain the weak.’ But it is not alone because the Jesuits adopted the Indian habits, and became

<sup>1</sup> Davis, *Day Star*, pp. 159-160.

as one of the tribe he was proselyting, that he was blessed with success. This but furnished him with a moral lever. Instead of demolishing the natural religion of the Indians, he directed its energy and inspired it with an object. In his eyes it was the rough block which he was to chisel into life and beauty.”<sup>1</sup>

In the possession of the lands which they claimed, and the special privileges they asked for, the Fathers saw only the means of enabling them the more effectively to further their Apostolic work in extending the kingdom of their Master.

The impartial observer of events will, in the second place, remember that Lord Baltimore was a Catholic whose sincerity cannot be questioned. Had he, like his grandson, renounced his faith, most, if not all, the difficulties and dangers which menaced his colony would have disappeared, and his success in every worldly way would have been assured. He held fast to his Church at the cost of enormous sacrifices, and such sacrifices are proof sufficient of the genuineness of his belief.

Indeed, the difficulties, in part, were due to his desire to provide more abundantly for the spiritual needs of the colony. Under date of April 4th, 1634, shortly after the landing of the Maryland Pilgrims, a decree of the Propaganda states, to quote Father Hughes, “that at the instance of the ‘English clergy,’ whomsoever that term may desig-

<sup>1</sup> Oliver, *Puritan Commonwealth*, pp. 254-6.

nate, the Sacred Congregation judged the proposal of sending a mission to Maryland, in the premises, as a measure highly opportune; and it ordered 'the agent of the same clergy' to name a prefect and missionaries, or to have them named by the French Nuncio, who in all cases was to report on the fitness of the men designated."<sup>1</sup> For a time nothing seems to have resulted from this. But in 1641 in accordance with Lord Baltimore's wishes, the Propaganda asked Mgr. Rosetti, Nuncio in Belgium, to send "information about the said Island [Maryland], the Catholics there, Secular priests fitted for the Mission, and especially one more prominent and learned who might be appointed Prefect."<sup>2</sup> After a visit to England, in the same year (1641), Mgr. Rosetti sent his report to the Propaganda, with the names of fourteen priests who would be fit for the Maryland mission; the first on the list was Dr. Britton who might be eligible for the office of Prefect.<sup>3</sup> Early the following year, however, after the faculties for the new missionaries had been received by Father Philips, the Queen's confessor,<sup>4</sup> a memorial on the part of the Jesuits was addressed to the Holy Office complaining against the attitude of Lord

<sup>1</sup> Hughes, I, p. 333, quoting Propaganda Archives.

<sup>2</sup> *Id.*, p. 495, quoting Propaganda Archives.

<sup>3</sup> *Id.*, pp. 493-498.

<sup>4</sup> *Id.*, pp. 506-515.



Baltimore, and protesting against the sending of the Secular clergy to Maryland.<sup>1</sup>

In February of that year (1642) the Congregation of the Holy Office on receiving the Memorial, ordered the suspension of the faculties that had been granted to the Secular clergy "until such time as this Congregation shall have examined some points, and determined that which is best to do for the greater service of God ever blessed, and for the Propagation of the Holy Faith."<sup>2</sup> Meanwhile the clergy appointed for Maryland were waiting impatiently for their faculties, and not entirely cognizant of the causes of delay, they proposed, at

<sup>1</sup> The closing sentences of the Memorial speaking of the Jesuits, reads thus: . . . "who were the first to enter that vineyard at their own expense; who have borne poverty and trials for seven years; who have lost four of their men while laboring with fidelity at their posts even unto death; who have maintained sound doctrine and the immunity of the Church, putting up with the odium and damages thus resulting; who know the country and language of the savages; whereof the priests to be substituted by the Baron of Baltimore are utterly ignorant, with the further circumstance that these latter are going over to countenance and maintain a system of doctrine from which contentions and scandals are sure to arise, and that the spark of faith will be quenched which has just been kindled in the hearts of the infidels. Still the Fathers declare that they are ready with all submissiveness either to return from Maryland to England, or to stay there and labour unto death for the faith and for the dignity of the Apostolic See, according as it shall seem good to the prudence and condescendence of your Eminence."—(*Id.*, p. 517.)

<sup>2</sup> *Id.*, p. 520.

first, to go by virtue of their ordinary faculties, "pro dominiis regiis Magnae Brittanniae" (for the royal dominions of Great Britain). Mgr. Rosetti, however, dissuaded them from taking this step.<sup>1</sup> In the meantime, Lord Baltimore finding his purpose of sending Secular clergy thwarted, determined that the Jesuits also should not go, and used effective means to that end, while at the same time the Governor, his brother, endeavored to prevent those in the colony from leaving it.<sup>2</sup> Thus there was a dead-lock. To relieve the situation the General wrote to Father Edward Knott, Provincial of the Jesuits in England (Nov. 22nd, 1642): "I, myself will see that faculties are asked for from the (Cardinal) Protector, to buy off vexation. If they are obtained I will let your Reverence know."<sup>3</sup> We cannot say whether this proposal of the General was acceptable, or whether the suspended faculties were granted to the Secular clergy, but two Secular priests, Rev. Fathers Gilmett and Territt, set sail sometime about November, 1642, on two different ships.<sup>4</sup> Lord Baltimore

<sup>1</sup> *Id.*, p. 524.

<sup>2</sup> *Id.*, pp. 526-527.

Lord Baltimore vetoed the proposed departure of Fathers Cooper and Hartwell, but allowed Father Roger Rigbie to go. This was in 1641. After the two Secular priests had gone, he allowed Fathers Cooper and Hartwell to depart.—*Id.*, pp. 526-531-32.

<sup>3</sup> *Id.*, p. 532.

<sup>4</sup> *Calvert Papers*, I, p. 212.

wrote to his brother to provide for the Fathers, if necessary, at his expense.<sup>1</sup> Again (1643) we find him giving detailed instructions to look after the welfare of the Secular Fathers.<sup>2</sup>

<sup>1</sup> Lord Baltimore's Letter to Leonard Calvert, Nov. 1642: "In my despatch by Mr. Ingle's Ship wherein one Mr. Gilmett comes recommended from me to you, I desired you to take care for his sojourning somewhere there to his contentment, which I desire may be with yourself for many reasons. But I forgot to mention his boy that waited upon him, which must also sojourn with him for he cannot be decently without such attendance. Wherefore, I pray, take order for him they have all necessities of bedding, etc., provided and sent with them, and I writ then to you to take care also of Mr. Will Territt who comes herewith to you being a companion of Mr. Gilmett's, both whom I recommend in those letters, and do now again very heartily recommend to your care; for they are both I will assure you men of very high esteem here, and worthy to be cherished and valued by you, in which you shall extremely much oblige me. Take care, therefore, also I pray, to accommodate the said Mr. Territt with a convenient place to sojourn in there; and I also shall, as I formerly wrote pay the charge of it, when I know what it is if it can not be done otherwise, which I hope by your endeavors it may be, and I shall take it very kindly of you. However, you will, I hope, husband my expense herein the best you can and I shall pay what is necessary for the sojourning of the aforesaid persons by bill of exchange hither."—(*Calvert Papers*, I, p. 212.)

<sup>2</sup>He writes: ". . . I desire that my said Commissioners in that case to take care that some other convenient place be there provided for Mr. Gilmett's and Mr. Territt's residence and diet there to their contentment till the time above mentioned, with the best accommodations for them and the least charge to me as may be. And I would have them so contrive this business—if possibly they can—that Mr. Gil-

“When the Abbate Cladius Agretti was sent by the Holy See on a special mission to England in 1669, he visited Cecil, Lord Baltimore, and that aged nobleman complained that there were only two priests in Maryland to minister to the 2,000 Catholics in that province, and that the Holy See although solicited for twenty-four years, had taken no action in the matter.”<sup>1</sup>

From all this we are led to the conclusion that Lord Baltimore's opposition to the Jesuits was only personal, and in nowise weakened his staunch faith in the Church for which he was making such heroic sacrifices.

The troubles between Lord Baltimore and the Jesuits were augmented, in a great measure, by the arrival in the colony about the same time of Father Thomas Copley (alias Philip Fisher) and John Lewger. Father Copley superseded Father White as the head of the Maryland mission, “a charge which now required rather business men than missionaries.”<sup>2</sup> Father Philip Fisher, as he

mett and Mr. Territt may by all means be continued in the Province till that time when I doubt not (by the grace of God) to be able to provide better for them than, by reason of the extremity of the present troubles in England I could do this year—which I hope they will consider and have a little patience till then. And this article I do again and again commend to my Commissioner's care to give me satisfaction therein. . . . Given under my hand at Bristol, 18th November, 1643.”—(*Md. Archives*, III, p. 143.)

<sup>1</sup> Shea, I, p. 79.

<sup>2</sup> Hughes, p. 336.

is named in the domestic records of the society, or Thomas Copley, as he appears in Maryland history, was of a distinguished family. "Born in Madrid, 1595-6, he had entered the Order at the age of twenty one. . . . He was 'alien born' and claimed protection from the King of England. . . . A warrant was then issued on December 1st, 1634, from the palace of Westminster, securing to 'Thomas Copley, Gentleman, an alien' the appropriate immunities from persecution."<sup>1</sup> "Before coming to Maryland he had been in charge of the London residence, under the Rector of the Community; that is, he was both minister and procurator."<sup>2</sup> He was a zealous, self-sacrificing priest and was possessed of considerable executive ability.

John Lewger was a converted Protestant minister, and a friend of Lord Baltimore when both were at Oxford. Looking for a man of ability, talent and integrity to whom he could intrust most of the higher offices of the colony, Lord Baltimore proposed to Lewger that he should emigrate to Maryland to fill there those positions of great trust and honor, with which he should present him. This offer was accepted and he cast in his lot with that of Maryland, being appointed successively, Member of the Council, Secretary of the Province, Justice, Administrator of Estates, Attorney-General, Secretary and Keeper of the Acts and Pro-

<sup>1</sup> *Id.*, pp. 366-7.

<sup>2</sup> *Id.*, p. 335.

ceedings of the Governor, Receiver of Rents Revenues Profits and Customs, Recorder of Land Grants, and Judge of Cases Matrimonial and Testamentary.<sup>1</sup>

Copley and Lewger were men of strong individuality, powerful will and of extraordinary tenacity of purpose, and their clash of temperaments probably resulted from the manifest similarity of their natures. Secretary Lewger's attitude toward the Jesuits was on one occasion at least, considered deserving of reprimand by Lord Baltimore, who wrote cautioning him against giving offence to the Fathers.<sup>2</sup> Father

<sup>1</sup> *Archives*, III, pp. 53, 157-8; vide *supra*, Lewger, p. 133.

<sup>2</sup> Soon after Lewger's arrival in the Colony, he wrote to Lord Baltimore submitting a number of *cases* and asking for guidance. Lord Baltimore in reply, does not refer to the Cases, but cautions Lewger and the Governor against giving offence to the Jesuits. In answer Lewger again writes: "I should have been glad to have had resolution touching those cases I sent over though without anyone's hand to it, because it would have directed me in divers occurrences and difficulties which we meet with here. For the present we have no differences at all, and I hope we shall have no more, where either part can avoid them; and for the errors past (which your Lordship speaks of) on the Governor's part and mine, if we knew what or which they were, we should be ready to amend them, and should be glad of the proffer on their part of forgiving and forgetting of them; but we are yet confident we have committed none that we can condemn for errors either in point of irreverence or disrespect to their persons, or in violation of their liberties, as the present condition of the state there is.

More when Provincial gave it as his opinion that Father Copley "though of good talents and sufficient experience," was "deficient in judgment and prudence."<sup>1</sup> A meeting of these two indomitable natures could hardly make for 'peace and good will,' yet we cannot doubt of their sincerity and self-sacrificing zeal. During Ingle's rebellion Father Copley was sent in chains to England and afterwards returned to Maryland to labor for the good of souls. John Lewger, after his return to the mother-country devoted his life to God in the priesthood, and died as a result of his devotion to duty, in attending the plague-stricken of London.<sup>2</sup>

And for my own part I profess before Almighty God, that I am not conscious of any thing yet done out of disrespect to their persons, functions, or rightful liberties; and that hereafter they shall find me as ready to serve and honor them as your Lordship can wish."—(Lewger to Lord Baltimore, Jan. 5, 1638; *Calvert Papers*, I, pp. 194-195.)

There is "a memorandum still remaining in what is believed to be the handwriting of Mr. Lewger," says Streeter, (p. 251), beginning: "The governor and I went to the good men, (*i. e.*, the Jesuit Fathers) about difficulties." The "difficulties" are then rehearsed, showing that the Governor and the Secretary must indeed, have been in a quandary, placed as they were between the 'violation of their official pledges, and opposition to the distinctly expressed will' of his Lordship, on the one hand, and the 'opposition of the clergy, with the displeasure of the Church,' on the other. This was in 1642, and was in regard to the Statutes of Mortmain."—See *Streeter's Papers Relating to the Early History of Maryland*.

<sup>1</sup> Hughes, I, p. 423.

<sup>2</sup> Vide *supra*, Lewger, p. 134-135.

From all the evidences at hand it would be difficult to doubt Lord Baltimore's sincerity in his expressions of suspicion and fear concerning the motives and acts of the Jesuits, just as from the same evidences, it is difficult to conceive how such exaggerated suspicions and fears on his part could have been entertained.<sup>1</sup>

<sup>1</sup> *Calvert Papers*, pp. 213, 217-18. Cfr. also *Archives*, I, 264, 265.

Almost the same day (November 21st, 1642) that the General Protector to buy off vexation," (Hughes, p. 532, quoting myself will see that faculties are asked for from the (Cardinal) Protector to buy off vexation," (Hughes, p. 532, quoting General Archives, *Anglia*), Lord Baltimore, exasperated no doubt, by the obstructions that had been put in his way of obtaining faculties for the Secular clergy, believing that a Jesuit had gone to Maryland in spite of his prohibition, was writing a letter to his brother, Leonard, accusing the Jesuits of being his bitter enemies. He writes: "I pray hasten the design you wrote unto me of this year, of bringing all the Indians of that Province to surrender their interests and right to me, for I understood lately from a member of that Body Politic, whom you call those of the Hill there [the Jesuits] that Mr. White [the Jesuit] had a great deal of land given to him at Pascattoway not long since by Kittamaquund, before his death, *which he told me by accident not conceiving that that place was within my Province, or that I had any thing to do with it, for so he said that he had been informed and I had some difficulty to satisfy him that it was within my Province.* By this you may daily perceive what ways these men go and of what dangerous consequence their proceedings are to me."—(*Calvert Papers*, I, p. 213.) And again: "Just now I understand that notwithstanding my prohibition to the contrary another member of those of the Hill there, hath by a slight got aboard Mr. Ingel's ship in the Downes to take his passage for



The same letter which introduces the two Secular priests to Leonard Calvert, contains a re-

Maryland, which for divers respects I have reason to resent as a high affront unto me, wherein if you do not that right to me as I require from you in my Instructions, dated 20th Oct. last, I shall have just cause to think that I have put my honor there in trust to ill hands who betray me to all the infamous contempts that may be laid upon me. This Gentleman the bearer hereof, Mr. Territt [the Secular priest] will acquaint you more particularly with my mind herein and with the opinion and sense which divers and learned men here have to this odious and impudent injury offered unto me, and with what is lawful and most necessary to be done in it as well for the vindication of my honor as in time to prevent a growing mischief upon me, unto whom wherefore, I pray give credit. Mr. Gilmett [the Secular priest] will, I know, concur in opinion with him, for upon divers consults had here (before he went) he was well satisfied what might and ought to be done upon such an occasion. In case the man above mentioned who goes thither in contempt of my prohibition, should be disposed of in some place out of my Province before you can lay hold of him, for they are so full of shifts and devises as I believe they may perhaps send him to Potomac Town, thinking by that means to avoid your power of sending him back into those parts, and yet the affront to me remain and the danger of prejudice also to the same, for (whatsoever you may conceive of them who have no reason upon my knowledge to love them very much if you knew as much as I do concerning their speeches and actions here towards you) I am (upon very good reason) satisfied in my judgment that they do design my destruction and have too good cause to suspect, that if they cannot make or maintain a party among the English to bring their ends about, they will endeavor to do it by the Indians within a very short time by arming them &c. against all those that shall oppose them, and all under pretence of God's honor and the

cital of the complaint against the Jesuits on account of Mattapany.<sup>1</sup> This tract of land called Mattapany was of exceeding importance.<sup>2</sup> As to the

Propagation of the Christian Faith, which shall be the mask and vizard to hide their other designs withall. If all things that Clergymen should do upon these pretences should be accounted just and to proceed from God, laymen were the basest slaves and the most wretched creatures upon the earth. And if the greatest saint upon earth should intrude himself into my house against my will, and in despite of me, with the intention to save the souls of all my family, but withall give me just cause to suspect that he likewise designs my temporal destruction, or that being already in my house doth actually practise it, though withall he do perhaps many spiritual goods,—yet certainly I may and ought to preserve myself by the expulsion of such an enemy, and by providing others to perform the spiritual goods he did, who shall not have any intention of mischief towards me. For the law of nature teacheth this, that it is lawful for every man in his own just defence, *vim vi repellere*—those that will be impudent, must be as impudently dealt withal. In case, I say, that the party above mentioned should escape your hands by the means aforesaid, (which by all means prevent if you possibly can) then I pray do not fail to send Mr. Copley away from thence by the next shipping to those parts; unless he will bring the other new comer into your power to send back again. And this I am satisfied here that I may for divers reasons cause to be done, as the said Mr. Territt and Mr. Gilmett will more fully satisfy you and I am resolved to have it done accordingly.”—Italics the author’s.—(Letters of Cecilius Calvert to Leonard Calvert, Nov. 21-23, 1642, *Calvert Papers*, pp. 216-18.)

<sup>1</sup> *Calvert Papers*, I, p. 213.

<sup>2</sup> “By land this property was distant from St. Mary’s only a few hours’ ride on horse-back through the woods. Thus it had quite a strategic value for ministries among

justice of the respective claims, authorities are divided. On the one hand, those who side with Lord Baltimore hold that, as the Charter gave to the Proprietary all territory within the boundaries of Maryland, no English subject had a right to accept any portion of the land granted by the Crown without the Proprietary's consent. The acceptance of Mattapany by the Jesuits was therefore illegal.<sup>1</sup> The Jesuits, on the other hand, maintained that the Indian king Kittamaquund, who was *de facto* in possession of the land, had a just right to cede it to whomsoever he would.

The attitude of Lord Baltimore in this instance seems to be in accordance with the opinion of Chancellor Kent and is sustained by the decisions of the Supreme Court of the United States.<sup>2</sup>

the Indians, of temporal supplies of corn, of which the St. Mary's mission stood in need, and for being easily in touch with the latter."—(Hughes, pp. 344, 570.)

<sup>1</sup> *Calvert Papers*, I, pp. 213-19; Hughes, p. 491.

<sup>2</sup> Kent says: "In discussing the right and consequences attached by the international law of Europe to prior discovery, it was stated in *Johnson vs. McIntosh* (8 Wheaton Rep., 563) that on the discovery of this continent by the natives of Europe, the discovery was considered to have given to the government by whose subjects or authority it was made, a title to the country and the sole right of acquiring the soil from the natives as against all other European powers. Each nation claimed the right to regulate for itself, in exclusion of all others the relation which was to subsist between the discoverer and the Indians. That relation necessarily impaired to a considerable degree the rights of the original inhabitant, and an ascendancy was asserted,

That he was surrounded by inimical conditions

in consequence of the superior genius of the Europeans, founded on civilization and Christianity, and their superiority in the means and art of war. The European nations which respectively established colonies in America, assumed the ultimate dominion to be in themselves, and claimed the exclusive right to grant a title to the soil with a legal as well as a just claim to retain possession of it. The natives were admitted to be the rightful occupants of the soil, with a legal as well as a just claim to retain possession of it, though not to dispose of the soil at their own will, except to the government claiming the right of preemption. . . .”—(*Kent's Commentaries*, III, pp. 505-506.)

“This assumed but qualified dominion over the Indian Tribes, regarding them as enjoying no higher title to the soil than that founded on simple occupancy and to be incompetent to transfer their title to any other power than the government which claims the jurisdiction of their territory by right of discovery, arose in a great degree from the necessity of the case. To leave the Indian in possession of the country, was to leave the country a wilderness, and to govern them as a distinct people, or to mix with them and to admit them to an inter-community of privileges, was impossible under the circumstances of their relative condition. The peculiar character and habits of the Indian nation rendered them incapable of sustaining any other relation with the whites than that of dependence and pupillage. There was no other way of dealing with them than that of keeping them separate, subordinate and dependent, with a guardian care thrown round them for their protection. The rule that the Indian was subordinate to the absolute, ultimate title of the government of the European colonies, and that the Indians were to be considered as occupants, and entitled to protection in peace in that character only, and incapable of transferring their right to others; was the best one that could be adopted with safety. The weak and helpless condition in which we found the Indians, and the immeasurable superiority

at home, which neither his brother the Governor, nor the Jesuits could understand, we may readily

of their civilized neighbors, would not admit of the application of any more liberal and equal doctrine to the case of Indian lands and contracts. It was founded on the pretension of converting the discovery of the country into a conquest; and it is now too late to draw into discussion the validity of that pretension, or the restriction which it imposes. It is established by numerous compacts, treaties, laws and ordinances, and founded on immemorial usage. The country has been colonized and settled, and is now held by that title. It is the law of the land, and no court of justice can permit the right to be disturbed by speculative reasonings on abstract right.”—(*Ibid.*, III, p. 507.)

“Congress have the exclusive right of preemption to all Indian lands lying within the territories of the United States. (So decided in the case of *Johnson vs. McIntosh* and *Fletcher vs. Peck*.) The United States own the soil as well as the jurisdiction of the immense tracts of unpatented lands included within these territories. . . . The Indians have only a right of occupancy and the United States possess the legal title subject to that occupancy and with an absolute and exclusive right to extinguish the Indian title of occupancy either by conquest or purchase. The title of the European nations which passed to the United States to this immense territorial empire, was founded on discovery and conquest, and by the European customary law of nations, prior discovery gave this right to the soil, subject to the possessory right of the natives, and which occupancy was all the right that European conquerors and discoverers, and which the United States as succeeding to their title would admit to reside in the native Indians. The principle is that the Indians are to be considered merely as occupants, to be protected while in peace in the possession of their lands, but to be deemed

conceive. He hints at such a state of affairs in his letter to Leonard, written November 23, 1642.<sup>1</sup>

incapable of transferring the absolute title to any other than the sovereign of the country.”—(*Ibid.*, III, p. 280.)

Supreme Court decisions: *Johnson vs. McIntosh*, I, p. 280; III, p. 505; 8 Wheaton Rep., 543. *Cherokee Nation vs. State of Georgia*, *ibid.*, III, p. 508. *Worcester vs. State of Georgia*, *ibid.*, III, p. 510.

“The right given by European discoverers was the exclusive right to purchase, but the right was not founded on the denial of the right of the Indian possessor to sell . . . the exclusive right of purchasing such lands as the Indians were willing to sell.” “Indians were to be considered independent nations competent to maintain relations of peace and war, and of governing themselves under protection.”—(*Ibid.*, III, p. 510.)

<sup>1</sup> On this occasion he says: . . . I understand that notwithstanding my prohibition the last year you did pass grants under my seal here to those of the Hill of St. Inigoes, and other lands at St. Mary’s and also of 100 acres of land at Pascattoway, some of which, as I am informed, you conceived in justice due unto them and therefore thought yourself obliged to grant them although it were contrary to my directions, which to me seems very strange, for certainly I have power to revoke any authority I have given you here either in whole or in part; and if I had thought fit to have totally revoked your power of granting any lands there at all in my name, certainly no man that is disinterested could think that you were bound, nevertheless, in conscience to usurp such an authority against my will, because in justice divers planters ought to have grants from me. For when I have revoked the power I gave you for that purpose any man else may, as well as you, undertake to pass grants in my name, and have as much obligation also in conscience to do it, and how ridiculous that were for any man to do I leave it to you to judge. When I did give directions to you not to grant any more lands to those of the Hill there, upon

These conditions made it incumbent upon him not to give his enemies occasion to accuse him of favoring the Jesuits and of discriminating against the Protestants. With all his care and prudence, however, such charges were brought against him.<sup>1</sup>

any pretence whatsoever, I did so far as concerned them revoke that power I formerly gave you of granting lands there, and it was a great breach of trust in you to do the contrary; for I believe you would take it very ill, and with good reason you might, if any man whom you should trust with the keeping of your seal should affix it to any thing contrary to your direction although you were bound perhaps in future to cause it to be done yourself. If these persons had had any just cause of complaint by having grants refused them, it had been your part only to have referred them unto me, who knew best my own reasons why I gave the aforesaid directions, for you are merely instrumental in those things to do what I direct, and not to compel me to do what you think fitting. *And for aught you know some accident might have happened here that it was no injustice in me to refuse them grants of any lands at all, which I do not, I will assure you, mention without good ground.* I shall earnestly, therefore, desire you to be more observant hereafter of my direction, and not expect that I should satisfy your judgment by acquainting you still with my reasons why I direct anything; for then my power there were no more than any man's else, who may with reasons persuade you to do or forbear anything as well as I."—Italics the author's.—(*Calvert Papers*, vol. I, pp. 219-220.) Nov. 23, 1642.

<sup>1</sup> "Baltimore was no indifferentist in matters of religion. That he was a sincere Catholic is shown by the fact that all the attacks upon his rights were aimed at his faith, as the most vulnerable point. That he was a Papist and Maryland a Papist colony, a nursery of Jesuits and plotters against Protestantism, was the endless burden of his enemies'



The greatest circumspection was necessary to keep him from running his enterprise upon the shoals of destruction. It may truly be said that the liberty so long enjoyed by the Catholics in Maryland, was due to his wise and far-seeing management of affairs. Under a less skillful hand, the control would have been wrested from Catholic influence. His son Charles soon lost the power for good that his father had so long and so successfully maintained. Even when circumstances made it expedient to appoint Protestants to the chief offices in the colony, Cecilius made special provision to guarantee the rights of his fellow-Catholics.

When the dispute was submitted to the General of the Society of Jesus at Rome he replied to the Provincial in England, (October 31, 1643,) "From the accounts, which your Reverence sent me lately I received much gratification, on learning of the fruit yielded by the Evangelical seed which has been sown by the laboring of ours in Maryland; besides the well-founded hopes of seeing a plentiful harvest gathered into the granary of the Lord. At the same time, the satisfaction I

charges. He had only to declare himself a Protestant to place himself in an unassailable position; yet that step he never took, even when ruin seemed certain. He was singularly free from bigotry, and he had had a bitter knowledge of the fruits of religious dissension; and he meant from the first, as far as in him lay, to secure his colonists from them."—(Browne's *Maryland*, p. 69.)



found in your reports suffered no little diminution by reason of what you went on to relate, with respect to the controversy with the Right Honourable Baron, lord of that region, on the subject of not appropriating to the service of the Church any landed property without his consent. I should be sorry if differences about temporal things placed a hinderance in the way of the conversion of souls; or if on account of perishable goods we should be hampered in bringing the natives to goods eternal. Wherefore you may assure the Right Honourable Baron in my name, that we shall not be a source of detriment to his temporal dominion; and that on the contrary, we shall, as far as the nature of our institute allows us, be always ready to enlarge and promote the interests of his Proprietary rights. There is but small hope of obtaining a Pontifical brief (such as you ask for) that the donations made heretofore for the benefit of the Church without his consent may be nullified. Still that we may do all in our power to conciliate the Right Honourable gentleman, let your Reverence adopt this line of conduct: for the sake of peace you will issue an order to all of ours who are working in that vineyard, that they do not accept at all of any landed property offered them, whether by the faithful or by Infidels, without the consent of the same Right Honourable Baron. As I have often heard him spoken of with commendation for his eminent piety, zeal, and particular good will to-

wards our lowly order, I am encouraged to hope that he will be facile and liberal in granting his consent, for such acquisitions, as shall appear necessary to support our missionaries according to our institute. Please convey my kindest wishes to him, of whose piety, I am glad to recall I once had the pleasure of being a witness myself here, etc.”<sup>1</sup>

On December 5th, 1643, he writes again: “Certainly to the effect that no hinderance may be put in the way by any disagreement about earthly belongings, I have already expressed my mind to your Reverence, that for the sake of peace you should forbid ours to accept any landed property without the consent of the Right Honourable Baron, lord of that region; and I trust that letter will have reached you. I should be sorry, indeed to see the first fruits, which are so beautifully developing in the Lord, nipped in their growth by the frost of cupidity.”<sup>2</sup> As the General of the Jesuits is directly under the jurisdiction of the Pope, he would hardly have acted without the advice of the Holy Father. We have, then, in this decision, an intimation of the voice of Rome.<sup>3</sup> This decision, moreover, seems to accord with the

<sup>1</sup> Hughes, p. 558, quoting *General Archives*. See Appendix I.

<sup>2</sup> *Ibid.*, p. 559 quoting *General Archives S. J., Anglia, Epist. Gen.—Documents*, I, No. 6, J. K.

<sup>3</sup> For a more complete understanding of this question cf. Johnson's *Foundations of Maryland*; Hughes' *History of the S. J. in N. A.*; also Dr. Browne's review of the latter in the *Maryland Historical Magazine*, September, 1907; A. P. Dennis in *American Hist. Assn. Report*, I, 1900.

custom of the Church as shown in the Bull of Demarkation of Alexander VI.<sup>1</sup>

The difficulty between Lord Baltimore and the Jesuits, is still wrapped in considerable mystery.<sup>2</sup> It appears to be one of those lamentable instances of which we too often have experience when sincere, honest, and devoted men through misunderstandings, become involved in an inextricable labyrinth of suspicion, mutual recrimination and bitterness. The genuine astonishment exhibited both by the Proprietary and the Fathers, hardly leaves a doubt that there was a misunderstanding. The Fathers had evidently expected such clerical rights and privileges as had been customary in Catholic England. The Proprietary had planned, no doubt, under the instructions of his father, a condition of Church and State much resembling that which now exists in the United States. The correspondence between the Proprietary and the Fathers show this to be the fact. The letter of Father Copley to Lord Baltimore,<sup>3</sup> is thus indorsed: "3 April, 1638, Mr. Thomas Copley to me, from St. Maries: Herein are demands of very extravagant privileges." In this letter one paragraph especially took the Proprietary by surprise. Father Copley asks: "that ourselves

<sup>1</sup> See Appendix H.

<sup>2</sup> Cfr. Hughes, *Hist. of S. J.*, and Johnson, *Foundations of Md.*—A. P. Dennis, Ph. D., in *American Hist. Assn. Report*, I, 1900.

<sup>3</sup> *Calvert Papers*, I, pp. 167-169.

and our domestic servants, and half, at least, of our planting servants may be free from public taxes and services, and that the rest of our servants and our tenants, though they exteriorly do as others in the colony, yet that in the manner of exacting or doing it, privately the custom of other Catholic countries may be observed as much as may be, that Catholics out of bad practice come not to forget those due respects which they owe to God and His Church." Lord Baltimore has written on the margin of this: "All their tenants as well as servants he intimates here ought to be excepted from the temporal government." <sup>1</sup>

Those who indulge in sweeping condemnation of the Jesuits in Maryland, overlook two important considerations. The most that the Jesuits asked for were special privileges; there is never the slightest hint that they begrudged freedom of conscience to other denominations. The Puritans and Episcopalians, however, no sooner obtained a controlling power than they began at once a system of intolerance and oppression.

The privileges, moreover, the Jesuits asked for, were such as the clergy had enjoyed in Catholic England under Magna Charta until the time of the Protestant separation. The world at large had hardly at that time conceived an idea of such a state of affairs as obtains now in the United

<sup>1</sup> *Calvert Papers*, I, p. 166.

States. We, to-day, are accustomed to the present relations of Church and State; we can see its practicability, and we can appreciate its advantages. It was then an untried novelty in civil government. To most people there appeared no middle way between favoring one church or another.

The devoted, self-sacrificing priests, zealous for the salvation of souls, circumscribed by provincial limits, shut out from the rest of the world, were quite naturally in no position to take such a view of the situation as presented itself to Lord Baltimore. It was clear to him as to many other far-seeing statesmen that the time was come when the religious and political conditions of the world demanded religious freedom. In this respect, he and the other colonists who upheld his policy were far in advance of their times.

Devoted, generous ministers of God, the Jesuits of Maryland deserve all honor for their fidelity to their calling; they deserve no blame in that they possessed not the foresight and statesmanship of the Proprietary or of their own Superior General. Would that the ministers had asked for nothing more than the Jesuits asked for, or had proved themselves as faithful to their vocation, as much an honor to their ministry.<sup>1</sup>

<sup>1</sup> See chapter on Puritan government; and also conditions under the Episcopalian regime.

"Since Fathers White, Altham and Copley were excused from serving in the General Assembly of 1637, no

Was then Cecilius Calvert a true Catholic? The answer is given not by documents, but by his life. He was a Catholic when he had everything to gain by relinquishing his faith. He remained a Catholic despite the ruin that faced him from enemies who made use of his faith as the strongest argument for his downfall. When the most venomous weapons his enemies could hurl at him were the accusations, "Papist," "Jesuitical Papist," "Friend of the Jesuits," when his colony was called a "Nursery of Jesuits," when he had but to say the words, "I am a Protestant," and his enemies would have become his friends, and the highest offices in the Kingdom would have been within the range of his ambition, he stood firm and unshaken in his faith, stood to lose all he possessed; and this too, while those in the Church with whose name his own was associated in opprobrium, whose supposed misdeeds he was com-

priest or clergyman has ever sat in that body. And the Constitution has always made all ministers and preachers of the Gospel ineligible, an exclusion which exists in no other State."—(Johnson, p. 94.)

These interesting survivals of the struggle between Lord Baltimore and the Jesuits are found in the laws of the State of today: No ecclesiastic may sit in the General Assembly; no gift, sale or devise of land, nor gift nor sale of goods or chattels to take effect after the death of the donor or seller can be effective without ratification by the Assembly; and Maryland is the only state of the Union which requires a religious ceremony for the completion of a marriage.—(Steiner, *Md. During, etc.*, p. 63.)

pelled to bear the burden of, from whom he had hoped to receive support and sympathy, were at that very time leagued against him, and, to his way of thinking, were planning his ruin. A man who under such conditions had the courage, the heroic courage, to defy all opposition and to stand before a persecuting world a professed Catholic, needs no apologist. His Catholicity cannot be impugned. The invincible logic of such an unquestionable fact cannot be obscured, much less smothered under any amount of musty documents, raked out of holes and corners, fragmentary, dove-tailed and heaped up. Cecilius Calvert was a Catholic, a genuine Catholic, a self-sacrificing Catholic, explain the rest as we may.

## CHAPTER VII.

Perplexed, doubtless, by the difficulties he found both within and without the province, Leonard Calvert resolved to return to England, April, 1643, and he appointed Giles Brent to act as Governor during his absence.<sup>1</sup> It was during Calvert's visit to the mother-country that Captain Richard Ingle, lately arrived in the province, commenced his "plots and machinations" with the view of overthrowing the Proprietary government.<sup>2</sup> He was arrested on a charge of high treason,<sup>3</sup> and his vessel was placed under a guard, which, however, through the interposition of Cornwallays was removed, and Ingle making use of this opportunity, regained possession of his ship.<sup>4</sup> Two days later he was ordered arrested by the Governor;<sup>5</sup> but Ingle showed his regard for such proceedings by committing assault upon one Henry Bishop, who had been a witness against him; and on being reproached for so doing, threatened to beat down the dwellings of the peo-

<sup>1</sup> *Archives*, III, p. 130.

<sup>2</sup> Bozman, II, p. 270.

<sup>3</sup> *Archives*, IV, p. 231.

<sup>4</sup> *Archives*, IV, p. 232; *Captain Richard Ingle*, by Edward Ingle, pp. 9-10.

<sup>5</sup> *Archives*, IV, p. 233.



ple, even that of the Governor himself. He was impeached shortly after for the "said crimes of piracy, mutiny, trespass, contempt and misdemeanors and every of them severally, was put under bail of one barrel of powder, and 400 pounds of shot, to appear at St. Mary's, and answer the charges the following February."<sup>1</sup> The reckless dare-devil had scant respect for writs, courts or laws, and sailed away without paying either his bail or custom dues.<sup>2</sup>

Cornwaleys was, thereupon, charged with having been responsible for Ingle's escape. "The Captain" replied, that while he had not considered Ingle guilty of the charges against him, he had not been accessory to his defiance.<sup>3</sup> From this it appears, that Ingle had imposed upon the good-will of Cornwaleys, and made use of the Captain's kind offices to effect his release and subsequent escape. This was one of the few instances in which Thomas Cornwaleys showed a lack of judgment in permitting himself to be so easily hood-winked. But Ingle must, indeed, have been a very specious rascal, for we know that he had some short time before this, managed to ingratiate himself into the confidence of the Proprietary himself, who had

<sup>1</sup> *Archives*, IV, pp. 247-8, 251; Ingle, p. 15.

<sup>2</sup> *Archives*, IV, p. 261.

<sup>3</sup> *Archives*, IV, p. 248.

employed him to bring to Maryland the two Secular priests, Fathers Gilmett and Territt.<sup>1</sup>

Cornwaleys was fined 1,000 lbs. of tobacco, for the part he had taken in freeing Ingle from the custody of the officers.<sup>2</sup> The feeling amongst the people against Cornwaleys was so strong at the time that he felt compelled to escape with Ingle to England.

In February, 1645, Ingle again appeared in Maryland with an armed ship, the *Reformation*, having goods entrusted to him by Cornwaleys valued at £200, and with a commission from Parliament for carrying food, clothing and ammunition to the colonists in sympathy with the Parliamentary party.<sup>3</sup> St. Mary's was then taken, many of the members were made prisoners, the Governor was a fugitive in Virginia, and the Province in the hands of a force professing to act and probably acting, under the authority of Parliament.<sup>4</sup> According to the statements made in the Assembly of 1649, during this invasion, those who were loyal to the Proprietary "were spoiled of their whole estates, and sent away as banished

<sup>1</sup> *Calvert Papers*, pp. 211-12; also Hughes, p. 263, who says "Ingle [was] the Captain to whom Baltimore two years before, had intrusted his first instalment of intruding clergy."

<sup>2</sup> *Archives*, IV, p. 249.

<sup>3</sup> *Ingle*, p. 20.

<sup>4</sup> *Streeter Papers*, p. 267; also, Bacon's *Preface*.

persons out of the Province; those few that remained were plundered and deprived in a manner of all livelihood and subsistence, only breathing under that intolerable yoke which they were forced to bear under those rebels.”<sup>1</sup> The people were tendered an oath against Lord Baltimore, which all the Catholics refused to take.<sup>2</sup>

The invaders did not attempt to set up a government being content with pillaging, marauding and destroying. Judging from the accounts that have come down to us of Ingle and his crew, we are led to the conclusion that they were nothing more than a gang of disorderly, vaporing, blatant rowdies, armed with a Parliamentary commission, which the peaceable inhabitants, not knowing how the disorders in England might terminate, felt compelled to respect, until better knowledge of affairs abroad should afford them an occasion to expel the marauders. The outlaws built a fort for themselves five miles from St. Mary's wherein they were protected. Having robbed and pillaged the town, they gave themselves very little further concern about it. The fact is, in 1646, the colonists elected their own Governor without any apparent objection from the invading garrison. However, the garrison sometimes gave evidence of its activity. From the account of one of the

<sup>1</sup> *Archives*, I, p. 238.

<sup>2</sup> *Archives*, I, p. 271.

missionary Fathers of the time we read, that, "during the celebration of the Feast of St. Ignatius, mindful of the solemn custom, the anniversary of the Holy Father being ended, they wished the night also consecrated to the honor of the same, by the continual discharge of artillery. At the time there were in the neighborhood certain soldiers, unjust plunderers, Englishmen, indeed, by birth, of the heterodox faith, who, coming the year before with a fleet had invaded with arms almost the entire colony, had plundered, burnt, and finally having abducted the priests and driven the Governor himself into exile had reduced it to a miserable servitude. These had protection in a certain fortified citadel, built for their own defence, situated about five miles from the others; but now aroused by the nocturnal report of the cannon, the day after, that is on the first of August, rushing upon us with arms, they break into the houses of the Catholics, and plunder whatever there is of arms or powder." <sup>1</sup>

This rebellion has been called Claiborne's and Ingle's, and although association with Claiborne would not have been dishonorable to one, such as Ingle, historical accuracy seems to call for a distinction.<sup>2</sup> "It is probable, in the absence of evidence to the contrary, that Ingle and Claiborne

<sup>1</sup> *Fund Pub.*, pp. 94-95.

<sup>2</sup> Cfr. Ingle, p. 22.

never planned any concerted action, but that each took advantage of the other's deeds to further his own interests." <sup>1</sup> Claiborne, we may well believe, had not lost sight of Kent Island, from which, by the decision of the Committee of Plantations he had been expelled. After the battle of Marston Moor (July 2, 1644) in which Charles lost the whole of the West of England, the enemies of Lord Baltimore saw a favorable opportunity to strike a blow at his Province. Claiborne "who was born to be the bane of Maryland," <sup>2</sup> after having experienced the king's favor by receiving the appointment as the king's treasurer for Virginia (1642), probably found in the ordinance of the Parliamentary party for the sequestration of the property of the king's adherents (1643) an opportunity to make good his claims to Kent Island. So sudden a change of politics was of little concern to him. Episcopalian, abettor of Puritans, royalist or Parliamentarian, he was capable of being almost anything but a friend to Lord Baltimore, and an honest man. Lord Baltimore had been among the loyal adherents of the king and had followed him to Oxford. His province, therefore, might come under the sequestration ordinance of Parliament. Claiborne, accordingly again appears at Kent Island (1645).<sup>3</sup>

<sup>1</sup> *Ibid.*, pp. 23-4.

<sup>2</sup> Chalmers' *Annals*, p. 210,

<sup>3</sup> Cfr. Bozman, I, pp. 264-285-299.

The people of the Island secure in the possession of their lands, enjoying all the privileges they could desire under Lord Baltimore, gave little encouragement to his intrigues.

During this invasion of Ingle and his brawling swash-bucklers the saintly Father White, then sixty-six years old, together with Father Copley, was carried off in chains to England.<sup>1</sup> Father White, the "Apostle of Maryland," though he longed to return to the much-loved scene of his labors and trials, was not permitted by his superiors to do so on account of his age and infirmities.<sup>2</sup> He expired in England in 1656. Two other priests, Revs. Roger Rigbie and John Cooper, found their way into Virginia, where both died in 1646, leaving the Catholics without any spiritual guides.<sup>3</sup>

During this first period of missionary labor the number of priests in Maryland was sixteen; all but two were Jesuits; all true soldiers of the cross. Eight of them died in the performance of their heroic duties.<sup>4</sup> During ten years, these zealous priests had, amidst great hardships, visited the Indians, and after learning their language

<sup>1</sup> Hughes, p. 562.

<sup>2</sup> *Ibid.*, pp. 61, 562. "The noble character of this saintly man is well seen from the fact that his great regrets are that the deafness hinders his hearing confessions." "He is the first true Marylander for his love for the land." Steiner suggests that he is probably the first to speak of Maryland as home.—(*Beginnings of Md.*, pp. 97, 98.)

<sup>3</sup> Shea, pp. 65-6; Hughes, p. 563.

<sup>4</sup> Hughes, p. 564.

sufficiently had instructed them in the truths of Christianity, so that nearly all the Indians south of what is now Washington had either been baptized, or were preparing for that sacrament.<sup>1</sup> The good effected among the Indians by winning their favor for the colonists, by instructing them in the truths of Christianity, never recovered from the blow inflicted by the disorders of this rebellion.<sup>2</sup>

Ingle with his lawless following of kindred spirits, buccaneers at sea, and brigands on land, battered upon anarchy. As has been said, they had no desire to substitute a government for the one they had uprooted, their plan being to stamp out law and order that in the general panic and resulting confusion and tumult, they might raid and plunder the more easily. During this rebellion even the great seal of the Province was stolen for its silver, and the records were seized and destroyed.<sup>3</sup>

Towards the end of 1646, Calvert raised a small force, entered St. Mary's unresisted, and regained possession of the colony. Once more Maryland was at peace.

<sup>1</sup> Cfr. Shea, I, p. 67.

<sup>2</sup> *Fund Pub.*, pp. 94-7.

<sup>3</sup> Bacon's Preface.

<sup>4</sup> Leonard Calvert applied in vain to the Governor of Virginia for aid to expel the rebels (*Streeter*, p. 35). Left to his own resources he succeeded in mustering a small band to whom in payment he pledged his own and his brother's estates."—(*Archives*, I, p. 227-229-316.

It was shortly after this that the Governor died, June 9, 1647. "Take all and pay all," was the brief direction to his executrix, Mistress Margaret Brent. "After thirteen years of faithful service in the highest office in the colony, this wise, just and humane governor, left a personal estate amounting to only £110 sterling."<sup>1</sup>

"No case of persecution occurred during the administration of Governor Leonard Calvert from the foundation of the settlement at St. Mary's to the year 1647. His policy included the humblest as well as the most exalted; and his maxim was, *Peace to all—Proscription to none*. Religious liberty was a vital part of the earliest common-law of the province."<sup>2</sup> "The design of the law of Maryland," says Bancroft, "was undoubtedly to protect liberty of conscience; and some years after it had been confirmed, the apologist of Lord Baltimore could assert that his government, in conformity with his strict and repeated injunctions had never given disturbance in Maryland for matters of religion; that the colonists enjoyed freedom of conscience not less than freedom of person and estate."<sup>3</sup> All authorities concur in ascribing to Lord Baltimore and the Governor, "the highest

<sup>1</sup> Browne, p. 64; see *Archives*, I, p. 239 and *Council Proceedings*, 1649-57, pp. 26, 19, 45, 46, for Mistress Brent's administration of his estate.

<sup>2</sup> *Ibid.*, pp. 37-8.

<sup>3</sup> Bancroft, ed. 1892, I, p. 169.



qualities of rulers and men. No man under their government ever complained that he was deprived by their agency of the smallest right of citizen or Christian. Possessed of hereditary wealth, they chose to use it in honorable enterprise in carrying civilization and Christianity into a savage wilderness. The one was willing at a vast expense to send, the other—with personal privation, toil and danger—to lead, a colony across three thousand miles of ocean to seek a home on a shore almost unknown. The one at a distance watched over the interests of the rising colony, and strove to ward off from it the consequences at home; the other devoted his energies to the preservation of domestic peace and to the defence of the infant settlement from savage foes, to the enactment of wholesome laws, and the administration of justice.”<sup>1</sup>

Ingle’s perfidy is best shown in his treatment of Cornwaleys who had befriended him so signally. The story of their relations, and of Ingle’s ingratitude, is narrated by Cornwaleys himself in his prosecution of the man upon whom he had conferred so many benefits, and who had so ill repaid him. He tells how Richard Ingle had come to Maryland two years before “as master of a London ship to trade with the English who had planted there, and was accused of high treason for words which he spoke against the King, upon some com-

<sup>1</sup> Burnap, *Life of Leonard Calvert*, p. 225.

munication of the differences here between the King and Parliament, upon which accusation Ingle was arrested, and his ship and goods seized by the then Governor, but Cornwaleys, to declare his affection to the Parliament, found means within eight hours space to free Ingle and to restore him to his ship and all his goods again, for which fact the greatest fine that by the laws of that country that could be set upon any man, was by the then Governor there imposed upon Cornwaleys, and he compelled to pay the same; and then for the safety of his person, enforced to trust his whole estate there with a servant, and to fly hither with Ingle in the same ship. And when Cornwaleys came into England, Ingle gave testimony before a committee of his good affection to the Parliament and of his great sufferings for that cause. Afterwards Ingle going into those parts [Maryland] again, Cornwaleys entrusted him here in London, by way of trade, with divers commodities to the value of about £200, but Ingle kept the commodities and taking advantage of Cornwaleys' absence, landed some men near his house and rifled it to the value of £2,500 at the least. And then returning into England, complained . . . against Cornwaleys as an enemy of the State, vainly hoping by that means to shelter himself from the law . . . Cornwaleys hath brought an action at law against Ingle for the commodities delivered here and a Commission was named to examine witnesses of the value of the

goods taken away in Maryland. To stay these proceedings, Ingle caused Cornwaleys to be laid in prison, upon two feigned accusations of £15,000, but Cornwaleys by the help of his friends got out of prison. That project failing, Ingle preferred a petition against Cornwaleys before the Lords in Parliament and upon feigned allegations procured an order to stop Cornwaleys' Proceedings at law."<sup>1</sup>

It was in this manner Cornwaleys was requited for his benefactions. Just before this, Ingle, probably realizing that his hold upon the confidence of Parliament was becoming uncertain, sent to that body a remarkable "Apologia," representing his plundering of the colony as a holy war, a religious crusade, an insurrection 'for conscience' sake.' He gravely and piously recites how the 'poor, distressed Protestants' groaning under the 'tyrannical power' of the Governor and 'wicked Papists and Malignants in Maryland,' were assisted by himself, who did 'venture his life and fortunes' in the undertaking, and how 'it pleased God to enable him to take several places' from the Papists aforesaid. He then complains with a great show of just indignation of false accusations brought against him for 'pretended trespasses,' and with refreshing audacity calls the attention of Parliament to the fact that "it would be of dangerous example to permit Papists and Malignants to

<sup>1</sup> *Archives*, III, pp. 166-67.

bring actions for trespass against the well-affected.”<sup>1</sup> Such was Richard Ingle, Maryland’s Pirate and Rebel. Even Ingle had not wanted an apologist. Unfortunately, the favorable character so ingeniously constructed cannot be supported by authorities.<sup>2</sup>

Mention has just been made of Mistress Margaret Brent. No woman was more conspicuous than she in the history of those early Maryland days, and she is preëminently the ‘valiant woman’ of the colony. From the records we learn that she was a kinswoman of the Calverts, and came to Maryland with her brothers, Giles and Fulke and her sister Mary, bringing adherents, and taking up lands. She was a woman deep of heart, strong of soul, inflexible of will, keen and cultured, just and generous. Impulsive she must have been, and withal, compassionate; and her influence seems to have cut deep into her day, from all accounts we have of her. She was, it would seem, the pioneer woman-suffragist of America, demanding right of representation and a voice in the colony’s affairs. Into the General Assembly (in 1647) came Mistress Brent “and requested to have a vote in the House for herself, and a voice also, for at the last Court, January 3rd, it was ordered that the said

<sup>1</sup> *Archives*, III, p. 165-6.

<sup>2</sup> Cfr. *Capt. Richard Ingle*, by Edward Ingle, A. B., *Fund Pub.* No. 19, Md. Hist. Society.

Mistress Brent was to be looked upon and received as his Lordship's Attorney. The Governor denied that the said Mistress Brent should have any vote in the House. And the said Mistress Brent protested against all proceedings in this present Assembly, unless she may be present and have a vote as afore-said."<sup>1</sup> The records fairly bristle with her business ventures and achievements, her services to the colony upon one great occasion in particular, her guardianship of the young Indian Princess Mary, and her administration of the estates of Governor Leonard Calvert. She was with him when he died, and it was principally upon her oath, and that of her sister Mary, that Thomas Greene was appointed to succeed to office. They testified that this was the last desire of the dying Governor.<sup>2</sup> Writing to the Lord Proprietary, who had apparently received complaints against her, the Assembly of Maryland in the year 1649 pays this remarkable tribute to the woman whose lot had been cast with the fortunes of the struggling settlement for so many years. "As for Mistress Brent's undertaking and meddling with your Lordship's estates here (whether she procured with her own or others' importunity or no), we do verily believe and in conscience report, that it was better for the colony's safety at that time, in her hands, than in

<sup>1</sup> *Archives*, I, p. 215.

<sup>2</sup> *Archives*, III, p. 187.

any man's else in the whole province after your brother's death. For the soldiers would never have treated any other with that civility and respect, and though they were even ready at several times to run into mutiny yet still she pacified them—till at last, things were brought to that strait that she must be admitted and declared your Lordship's attorney by an order of Court . . . or else all must go to ruin again, and then the second mischief had been doubtless far greater than the former. . . .”<sup>1</sup>

<sup>1</sup> *Archives*, I, p. 239, also p. 316.

## CHAPTER VIII.

Meanwhile the Protestants in the colony entitled to a vote were increasing. Most of them as we have seen came to the Province as redemptioners, and by this time had served out the term of years agreed upon. The number of Protestants was, moreover, further augmented by the influx of Puritan immigrants from Virginia. As these Puritans were destined to play a most important and tragic part in the subsequent history of the Province, it will be instructive to trace briefly the causes which led them to choose the Land of Sanctuary for a home.

The first Puritans came to Virginia in 1619 and settled in the Isle of Wight County. In 1621 Edward Bennet, a London merchant, sent a colony of Puritans, with his nephews Robert and Richard Bennet to the Virginia colony and obtained patents for two hundred persons. In 1622 Captain Nathaniel Basse received a grant of land near the other settlements for one hundred colonists. All these had come from England. In 1621 Daniel Gookin came from Ireland, and took up land grants for three hundred persons near Newport News. These Puritan colonies seemed to be thriving when Governor Berkeley arrived in 1642. In May of

that year, Philip Bennet was despatched from Virginia with letters to the Elders of Boston in which the writers bewailed their "sad condition for the want of the means of salvation." The letters were from Upper Norfolk, Virginia, and were signed by Richard Bennet, Daniel Gookin and some others, seventy-one in all. The Elders of Boston decided to send three ministers, but when they arrived in Virginia their reception was by no means encouraging. In March, 1643, the following act was passed by the Virginia Assembly: "For the preservation of the purity of doctrine and unity of the Church, it is enacted that all ministers whatsoever, which shall reside in the colony, are to be conformed to the orders and constitution of the Church of England, and not otherwise to be permitted to preach or teach publicly or privately, and that the Governor and Council do take care that all non-conformists upon notice of them shall be compelled to depart the colony with all convenience." <sup>1</sup>

In view of the attitude of Virginia towards the Puritans, Lord Baltimore, in 1643, sent the letter already mentioned, to Captain Gibbons inviting the Puritans to Maryland.<sup>2</sup> In 1647 another act

<sup>1</sup> *Statutes at Large of Virginia*. William W. Hening, I, p. 277.

<sup>2</sup> Savage's Winthrop, vol. II, p. 148-9.



was passed in Virginia against non-conformists.<sup>1</sup>

The following year William Durand and Richard Bennet, both destined in a few years to occupy a conspicuous place in Maryland history, were expelled from Virginia, and took refuge in Maryland. "With Lord Baltimore, their religious faith formed no objection to their admission to his colony."<sup>2</sup> At their solicitation, Governor Stone, invited the whole colony of persecuted Puritans to the Land of Sanctuary. Accordingly, during the year 1649, three hundred of them migrated to Maryland and settled on the Severn River, near what is now Annapolis, and in pious gratitude for the guiding hand that had led them to a secure refuge they called their settlement Providence. John Hammond, writing in 1656, says: "Maryland was courted by them as a refuge, the Lord Proprietor and his Governor solicited to, and several addresses and treaties made for their admit-

<sup>1</sup> Act of 1647: "Upon divers information presented to this Assembly against several ministers for their neglects and refractory refusing after warnings given them to read the Common Prayer or Divine Service upon Sabbath days. . . . It is enacted that all ministers in their several cures throughout the colony do duly upon every Sabbath day read such prayers as are appointed and prescribed unto them by the said Book of Common Prayer. . . . And as a penalty to such as have . . . or shall neglect their duty herein that no parishioners shall be compelled . . . to pay any manner of tithes to any non-conformist as aforesaid."—(Hening, I, p. 341-42).

<sup>2</sup> Streeter, *Maryland Two Hundred Years Ago*.

tance and entertainment into that province, their conditions were pitied, their propositions were hearkened to and agreed on, which was that they should have convenient portions of land assigned them, liberty of conscience and privilege to choose their own officers and hold courts within themselves. All was granted them, they had a whole county of the richest land in the Province assigned them, and such as themselves made choice of. The 'Conditions of Plantation' (such as were common to all adventurers) were showed and propounded to them, which they extremely approved of, and nothing was in these conditions exacted from them but appeals to the Provincial Court, Quit-Rents, and an oath of fidelity to the Lord Proprietor." <sup>1</sup> "Mankind now beheld a scene new and uncommon, exhibited on colonial theatres; they saw in Massachusetts, the Independents persecuting every different sect, the Church retaliating on them in Virginia; the Roman Catholics of Maryland actuated by the generous spirit of Christianity, tolerating and protecting all." <sup>2</sup>

Until this time nearly all the officials of the Province had been Catholics. This was quite natural, for, as Sanford Cobb remarks, "Every Romanist was a freeman, and only a minority of

<sup>1</sup> Hammond, pp. 22-25, in *Force's Tracts*; also *Archives*, III, pp. 233-37. See Appendix J.

<sup>2</sup> Chalmers, p. 219; Browne, *Maryland*, p. 74-5.

Protestants could vote.”<sup>1</sup> This gave rise to complaints on the part of Protestants.

In view of the political agitation in England and to satisfy the Protestants of Maryland, Lord Baltimore, in 1648, appointed a Protestant Governor, William Stone, and three Protestant Councillors, Captain John Price, Thomas Hatton and Robert Vaughan,—and two Catholics, Thomas Greene and John Pile.<sup>2</sup> At the same time as a protection for Catholics against possible intolerance, the oath of the Governor and the Council, as we have seen, was revised.<sup>3</sup>

Religious freedom had certainly reigned as the law of the land for fifteen years while the Province was under Catholic control. Although the law in whatever form it existed, is not extant to-day, the *existence* of the law, or of a regulation, or custom, paramount to a law, is sufficiently attested by the trial and condemnation of Lewis and Gerrard, who, undoubtedly, would have complained, if they had been punished without legal warrant. It has been suggested by one who labors to minimize the credit due to Lord Baltimore and the Catholic government of Maryland, that discussions on religious topics were forbidden because they tended to disturb the peace of the colony, and that this law had

<sup>1</sup> Cobb, p. 375. The Protestant redemptioners received the right to vote as soon as they had served their time.

<sup>2</sup> *Archives*, I, p. 201, 211.

<sup>3</sup> *Archives*, I, pp. 244-47.

little to do with religious toleration.<sup>1</sup> But if religious intolerance, even to the extent of discussion was forbidden, it is difficult to see how religious toleration could have been more complete. We should hardly expect the law to extend to men's thoughts. "It is certain," says Brantly, "that from the time that the emigrants landed at St. Mary's religious toleration was the established custom of the province. The history of Maryland toleration does not begin with the famous Act of 1649. That was merely a legislative confirmation of the unwritten law. . . . While the annals of the other colonies of the New World were being shamed with the record of the crimes committed in the name of religion, in Maryland the doctrine of religious liberty was clearly proclaimed and practised. . . . All churches were tolerated, none were established. To this land of the Sanctuary came the Puritans who were whipped and imprisoned in Virginia, and the Prelatists who were imprisoned in New England."<sup>2</sup> "The records of the colony bear honorable testimony," says Burnap, "that the toleration which was professed, was most scrupulously maintained. This constitutes the true glory of the Catholics of Maryland, and gives them an enviable distinction above every other regularly constituted government."<sup>3</sup> "The

<sup>1</sup> Streeter, *Maryland Two Hundred Years Ago*, note, p. 39.

<sup>2</sup> Brantly, p. 530.

<sup>3</sup> Burnap, p. 174.

pledge of civil liberty and religious toleration was redeemed to the letter.”<sup>1</sup> “There has been,” says the historian of Maryland, “much idle discussion about this matter, many imperfectly informed persons dating Maryland toleration from the Act of 1649. We have now proof that this was from the first the purpose of the founder of Maryland; and that the Act of 1649 only formulated the policy which had ruled in the Province from the very beginning.”<sup>2</sup>

<sup>1</sup> Ridpath's *Hist. of the U. S.*, p. 216.

<sup>2</sup> *Calvert Papers*, I, p. 35.—*Address of Dr. Browne.*

“The famous Toleration Act,” says Thomas, “giving legal sanction and liberty of conscience, which shed such brilliant renown upon the legislative annals of Maryland and won for it the name of the ‘land of the Sanctuary,’ and which extended to all who believed in Jesus Christ whatever their form of worship, ‘shelter, protection and repose,’ became engrafted by law upon its government. Though religious toleration had been in practice in Maryland from its earliest settlement, it had never been made the subject of legislative enactment, and to the General Assembly of 1649 does this, the ‘proudest memorial’ of Maryland colonial history belong. . . . Injustice to none and Christian Charity and toleration for all who believed in Jesus Christ, established by Cecilius Calvert and continued by Charles Calvert, those in authority under them rigorously enforced.”—*Chronicles of Maryland*, note to p. 57.

“In 1649,” says R. S. Fisher, “the Assembly passed that noble Act of Religious Toleration, that has placed Maryland so far above her sister colonies, and which threw the mantle of charity over all, and in the benefits of which the Catholic, Quaker and Puritan participated; for all had experienced the rigours of persecution. The colony truly became the ‘Land of the Sanctuary,’ and by this act all

The first *law*, however, on this subject which is now *extant* is the famous Act of Assembly of 1649. Although, as we have seen, the Protestants in the colony had increased of late years, yet it is certain that in the Assembly of 1649 the Catholics were in the majority. The Rev. E. D. Neill, in *Maryland; Not a Roman Catholic Colony*, denied this fact when it was asserted by Cardinal Gibbons, then Bishop of Richmond. "A few years ago," says Neill, "*I searched the manuscript records in the Maryland Capital at Annapolis, and read every work known to be published and I think it can be proved that the government of Maryland in 1649 was as follows:*

The Governor, Protestant.....	1
Councillors, .....	6
Burgesses, .....	9
	—
	16
Councillors, Roman Catholic.....	3
Burgesses, Roman Catholic.....	5
	—
	8 " 1

The utter untrustworthiness of this writer has

sects and denominations of Christians were secured in the public profession of their faith, and in the exercise of their religion according to the dictates of their consciences."—*Gazette of the State of Maryland*, p. 12.

<sup>1</sup> *Md. Not a Roman Cath. Col.*, p. 7.

been demonstrated by Davis, a Protestant, who has thoroughly examined the question.<sup>1</sup>

"Looking at the question," he says, "under both of its aspects, regarding the faith either of the delegates or of those whom they substantially represented,—we cannot but award the chief honor to the members of the Roman Church. To the Roman Catholic freemen of Maryland is justly due the main credit arising from the establishment by a solemn legislative act, of religious freedom for all believers in Christianity."<sup>2</sup>

<sup>1</sup> Dr. C. E. Smith, in *Religion Under The Barons of Baltimore*, p. 224, speaks of Davis as "a Roman Catholic author." Mr. Davis, however, speaking of himself, makes his profession of faith as a Protestant most unequivocally. He says: "Is there no gratitude among Protestants? Will the Protestant flinch from the performance of a plain historical duty? Shall he who inherits a pure Protestant blood, an unbroken Protestant faith, through eight generations from the age of Elizabeth, whose first Protestant ancestor of the Provincial line reached the shores of the Chesapeake but a year after the passage of the memorable Toleration Act, hesitate for one moment in doing justice to the memory of the early Catholic law-givers of Maryland?" —(Davis, *Day-Star of American Freedom*, p. 208).

<sup>2</sup> Davis, p. 160-61.

"The Proprietary was a Roman Catholic; and the Governor, a Protestant. Three of the privy councillors (Thomas Green, John Pile, and Robert Clarke), held the faith of the former; the other three (John Price, Robert Vaughan, and Thomas Hatton), with equal certainty, may be classed with the latter law-giver. As the result of the strictest historical criticism of the most careful and exhausting analysis of the whole evidence—it is but right

The conclusions of Mr. Davis have not been questioned. They were accepted by Neill him-

to say, the proof is not discoverable, that more than two members of the whole House of Burgesses (or representatives of the people) were either Protestants, or in direct sympathy with the Protestant class of colonists. That Mr. Conner and Captain Banks belonged to that class, is a matter of evidence. And there is some degree of probability that Mr. Browne also held the faith of the English Church. But it is certain, that five of the burgesses (Messrs. Fenwick, Bretton, Manners, Maunsell, and Peake) cherished a faith in the Roman Church; and we have the basis of a very strong presumption, that Mr. Thornborough (a sixth member of the House) was also a Roman Catholic. Including the proprietary and Mr. Thornborough, ten of the law-givers of 1649 held the faith of the Roman Catholic Church. If we count the Governor and the two burgesses; six, it will appear, belonged to some branch of the Protestant—probably the Anglo-Catholic. Adding Mr. Browne, we have a seventh. But this is a superficial view of the question; and refers only to the time they all sat in one House.

“All we have from the remaining parts of the journal, is that on the ‘last day’ of the Assembly, the representatives of the freemen, with the Governor, and with the privy councillors (excepting Messrs Pile and Hatton), assembled in one ‘House;’ that, on the same day, was passed the ‘Act concerning Religion.’ *It can be proved from the records, that of the fourteen, eight (including Mr. Thornborough) were Roman Catholics; and six (with Mr. Browne) were Protestants.* But this estimate does not render strict historical justice to the claim of the former. The privy councillors were, all of them, as well as the Governor, the special representative of the Roman Catholic Proprietary; under an express pledge imposed by him, shortly before the meeting of the Assembly (as may be seen from the official oath) to do nothing at variance with



self, without apology, however, for his previous glaring misstatements.<sup>1</sup>

Much has been said and written of the Act of 1649,<sup>2</sup> as if from it, Maryland has received her crowning glory. But the student of her history who thoughtfully considers the events leading up to this enactment, as well as those which were subsequent to it, will be forced to contrast the generosity and breadth of the religious liberty accorded by the Catholic administration of the earlier days, with the narrowness and harshness beginning to show in the famous Act Concerning Religion, and will be inevitably led to the conclusion that this famous ordinance marks a transition stage from Catholic toleration to Protestant intolerance. It is at best but a compromise between the liberal principles which had guided the colonists hitherto, and Puritan bigotry and fanaticism which was now manifesting marked aggressiveness. The severe penalties of the Act of 1649 little accord with the generous spirit which characterized all previous customs and rules on the subject of

the religious freedom of any believer in Christianity; and removable, any moment at his bidding. It would be fairer, therefore, to place the Governor and the four privy councilors on the same side as the six Roman Catholics against three Protestant votes." He adds: "*It is not improbable* that the Protestants constituted a fourth only of the population of Maryland" at this time. —(Davis, *Day-Star*, pp. 136-139).

<sup>1</sup> Neill's *Terra Mariae*, p. 85.

<sup>2</sup> See Appendix K.

religion, and the strength of the Puritan influence may be judged from the insertion of certain clauses foreign to the Catholic spirit which obtained in the colony from the beginning. "It is less tolerant than the charter and the Governor's oath, inasmuch as it includes Unitarians in the same category as blasphemers, and those who denied Our Saviour Jesus Christ, punishing all alike with confiscation of goods and the pains of *death*. This was the epoch of the trial and execution of Charles the First, and of the establishment of the Commonwealth." <sup>1</sup> "It was," according to Kennedy, "a constrained Act contrived as a measure to protect the Lord Proprietor and his friends at a very critical period. . . . It was the act of a Protestant legislature, with a Protestant governor at their head, and it did not establish toleration in Maryland. The Act itself is exceedingly intolerant." <sup>2</sup> "It was as good a compromise, as could be made at the time." <sup>3</sup>

<sup>1</sup> Mayer, *Calvert and Penn*, p. 48.

<sup>2</sup> Kennedy's "Reply to his Reviewer," *Md. Hist. Soc. Pub.*, p. 31.

It is the opinion of the Rev. J. W. McIlvaine, that "the Act itself is plainly a compromise between a Roman Catholic Lord Proprietor and his Protestant subjects . . . this act gave to Maryland a Sunday law modeled on a strict Puritan Sabbath. . . . This is the language not of the Roman Catholic nor of the Anglican, but of the Westminster Divines."—(J. W. McIlvaine, *Early Presbyterianism in Maryland*, p. 3-4).

<sup>3</sup> Browne, *Maryland*, p. 68.

Although, as we have seen, the charter of Maryland included only Christians in its provisions, yet there is nothing to show that Lord Baltimore or the early Catholics took advantage of this to exclude anyone from the Land of Sanctuary, and notwithstanding this Act of 1649, we shall find the Proprietary extending the privileges of his colony to others. The genesis of this Act of 1649 is very interesting. That some part of it was in substance, at least, contained in the sixteen laws which Lord Baltimore sent over to the colony in 1648 for the adoption of the colonists seems to be beyond question.<sup>1</sup> The only part, however, which is in the style of Lord Baltimore, and harmonizes to some extent with the spirit of toleration in vogue during the previous fifteen years of the colony's existence, is to be found at the end, though from its import it seems to have formed the preamble to the original laws sent over by Lord Baltimore and rejected by the Assembly. "Whereas," it reads, "the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those Commonwealths where it hath been practised, and for the more quiet and peaceable government of this Province and the better to preserve mutual love and unity here; be it therefore also ordained and enacted, except as in this present Act is before declared and set forth,

<sup>1</sup> *Archives*, I, p. 262

that no person or persons whatsoever within this Province, or in the islands, ports, harbors, creeks or havens thereunto belonging, professing to believe in Jesus Christ, shall from henceforth be in any ways troubled, molested or discountenanced, for or in respect to his or her religion, nor in the free exercise thereof, within this province or the islands thereunto belonging, nor in any way compelled to the belief or exercise of any other religion against his or her consent, so that they be not unfaithful to the Lord Proprietary, or molest or conspire against the civil government . . . etc.”<sup>1</sup>

While yielding to none in their profound belief in their holy religion, it was not according to the liberal spirit of charity adopted by the Catholics of Maryland to inflict such severe penalties on unbelievers, Unitarians or Jews. We shall see how a few years after this Puritanical wave had spent its force, Lord Baltimore gave land and the franchise to a Jew. The section in the act for-

<sup>1</sup> *Archives*, I, p. 244-247.

The latter part of this Act in which toleration is limited to Christians, bears a close resemblance to part of the ninth section of the “Agreement of the People” (Jan. 15, 1648) by which religious liberty was guaranteed to all in England except Catholics and Episcopalians. (See Appendix L.)

The section which imposes the penalty of death for blasphemy, denial of the Trinity or of the unity of the Godhead is apparently taken from an Act of the Presbyterian Parliament of May 2, 1648. (See Appendix M.)

bidding reproachful speeches concerning the Blessed Virgin, the Apostles and Evangelists, was evidently a Catholic provision and was intended by the Catholic majority as an efficacious damper upon the pietism of those who were apt to imagine that by insulting the Blessed Virgin Mary, the Mother of our Saviour, they were honoring or pleasing the Son. The part of the act which forbids under penalty of fines, and whippings, the calling of names such as Heretic, Schismatic, Idolater, Puritan, Presbyterian, Independent, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, was at least so far as punishment with fine was concerned, the old law which had been in force up to the time of this Assembly. The penal enactments of imprisonment and public whipping for profaning the Sabbath, suggest a Puritanical source. The word *Sabbath* for *Sunday* smacks of Massachusetts rather than of Maryland. Thus it appears that whatever of Christian liberality or of religious toleration this act can boast, should be traced to a Catholic origin. With the exception of the penal clause for dishonoring the Mother of God, which the Catholics felt obliged to insert, it is according to the Catholic practice of the colony for the first fifteen years of its existence. To the Puritans and other Protestants in the colony must be given the credit for the severe penalties, and for the dis-

abilities against Unitarians and Jews which had been unheard of, until this act modeled after one of a Puritan Parliament came into force. Anderson, the Queen's chaplain, who seldom has a kind word for Catholics, says of this act: "It bears remarkable testimony to the extent of religious divisions introduced even at that early period into the colony. . . . The latter part of this act breathes the spirit of toleration which animated the first Proprietors of Maryland. But it is strangely inconsistent with the first part. For how could the desire to preserve the rights of conscience, or to secure to all persons, professing to believe in Jesus Christ the free exercise of religion, be in accordance within an enactment which provided that death, or confiscation of lands and goods, should follow the denial of the Holy Trinity? or that fines, and whippings and imprisonment should be inflicted upon any person who spoke reproachful words of the Virgin Mary? The second can only be accounted for by the necessity, which Baltimore felt was laid upon him to vindicate from insult some of the distinguishing doctrines of his own creed. He might have been justified in doing this; especially since the Deputy Governor, and secretary and certain members of the Maryland Council were not Roman Catholics. But at all events it was a departure from the principles of government to which his father and he would willingly have adhered, and

evidently forced upon him by the crowds of clamorous sectaries pouring into his province, and striving to outvie each other in fierce intolerance.”<sup>1</sup>

Yet with all its imperfections and inconsistencies this act of 1649, tainted with Puritan intolerance, established a freedom of worship far superior to any prevailing at that time in the other colonies of America. “By the enactment of this statute,” says Grahame, “the Catholic planters of Maryland procured to their adopted country the distinguished praise of being the first of the American States in which toleration was established as a law, and graced their peculiar faith with the signal and unwonted merit of protecting those rights of conscience which no other Christian Association in the world was yet sufficiently humane and enlightened to recognize. It is a striking and instructive spectacle, to behold at this period the Puritans persecuting their Protestant brethren in New England; the Protestant Episcopalians inflicting similar rigor and injustice on the Puritans in Virginia, and the Catholics, against whom all others were combined, forming in Maryland a Sanctuary, where Christians of every denomination might worship, yet none might oppress. Rhode Island was at this time the only one of the Protestant settlements in which the principle of toleration was recognized; and even there Roman

<sup>1</sup> Rev. J. S. M. Anderson, *Hist. of the Church of England in the British Colonies*, II, pp. 31-2.

Catholics were excluded from participating in the political rights that were enjoyed by the rest of the community.”<sup>1</sup>

The Catholics were sensible of a coming storm. The first warning had been given in the revised oath of the Governor sent by Lord Baltimore, in which toleration for the Catholics was especially provided for. They had hitherto maintained religious freedom, but now fearing what might follow, from a Protestant majority, they took steps in the enactment of this law to guarantee the continuance of what had hitherto been a custom requiring no law for its enforcement, or if a law, one that was always by them scrupulously observed.

<sup>1</sup> *History of the U. S.*, 1, pp. 21-2.



## CHAPTER IX.

Towards the end of that year (1649) the startling news reached the province of the execution of Charles I and the establishment of the Commonwealth. The Governor was at the time absent from Maryland, and Thomas Greene, who was acting in his stead, contrary to the advice of the Councillors of the province, proclaimed Charles II, as successor to his father.<sup>1</sup> This act, for which he had no warrant from either the Proprietary or Governor, proved a little later on to be the cause of much embarrassment and trouble to Lord Baltimore and the colony. In 1650 an Assembly was called by the governor, who in the meantime, had returned to Maryland. The influence of the Protestants, especially the Puritans now becomes more apparent in the fact that James Coxe, one of their number, was elected Speaker.<sup>2</sup> Evidence of Claiborne's continued intrigues to gain Kent Island is shown in the third Act of this Assembly "punishing with death and confiscation of

<sup>1</sup> *Archives*, III, p. 241-243.

<sup>2</sup> *Archives*, I, p. 261. James Coxe and George Puddington, two Puritans of Providence, had been elected Burgesses for that settlement, the previous day.—(*Archives*, I, p. 260). The majority of the members of this Assembly were indeed Protestants.—(Streeter, p. 53.)

all his goods" anyone who should "countenance Claiborne or any of his adherents in any attempt upon the Isle of Kent or any other place within this Province in opposition to his Lordship's undoubted right and dominion over the same.<sup>1</sup> The next Act passed, was "An Act of Recognition of the lawful and undoubted Right and Title of Lord Baltimore" . . . to his province of Maryland.<sup>2</sup>

The Puritans had "scrupled" to take the oath heretofore prescribed for the Burgesses, and out of consideration for the extreme "tenderness of their

<sup>1</sup> *Archives*, I, p. 288.

<sup>2</sup> It recites, in part, that "we humbly beseech your Lordship that as a memorial to all posterities, it may be published and declared by your Lordship and the present Assembly, and enacted by authority of the same, that we bound thereto by the laws both of God and man, do recognize and acknowledge your Lordship's just right and title unto this province by the grant and donation of the late King Charles of England . . . and do also recognize and acknowledge you to be true and absolute Lord Proprietary of this Province; and do humbly submit unto all power, jurisdiction and authority, given, granted and confirmed unto your Lordship and your heirs . . . and do hereby submit and oblige us our heirs and posterities forever until the last drop of our blood be spent to maintain, uphold and defend your Lordship and your heirs, Lords and Proprietaries of this province, in all the royal rights, jurisdictions, authorities, and preeminences, given, granted and confirmed unto your Lordship by the said grant and donation so far as they do not in any sort infringe or prejudice the just and lawful liberties of the free-born subject of the Kingdom of England. . . ."—(*Archives*, I, p. 300).

conscience" the following revised form was adopted, "I do swear that I will be true and faithful to the Right Honourable Lord Proprietary and will to the utmost of my power, defend and maintain all his Lordship's just and lawful right . . . in the said province . . . not anyways understood to infringe or prejudice liberty of conscience in point of religion, and I do also swear that I will with all expedition discover to his Lordship, or to his Lieutenant or other chief Governor of the said Province for the time being, and also use my best endeavors to prevent any plot, conspiracy or combination which I shall know or shall have just cause to suspect is intended against the person of his Lordship, or which shall tend anyways to the disinheriting or deprivation or his heirs, their right, title, jurisdiction." <sup>1</sup>

At the same time was framed a Declaration (April 17, 1650), signed by Governor Stone, three members of the Council, eight members of the Assembly and forty-three colonists, including the two Puritan Burgesses from Providence:

"We the said Lieutenant, Council, Burgesses, and other Protestant inhabitants above mentioned, whose names are herein subscribed, do declare and certify to all persons whom it may concern, that according to an Act of Assembly here, and several other strict injunctions and declarations by

<sup>1</sup> *Ibid.*, pp. 305, 320-321.

his said Lordship for that purpose made and provided,—we do here enjoy all fitting and convenient freedom and liberty in the exercise of our religion under his Lordship's government and interest; and that none of us are anyways troubled or molested for, or by reason thereof, within his Lordship's said Province.”<sup>1</sup> In the light of their subsequent conduct, this protestation of loyalty and their solemn oath of fidelity are particularly interesting and illuminating.

“Unfortunately, with all their experience of the evils of intolerance, and of their possible willingness to concede the rights of conscience to the various Protestant sects, these people brought with them the old hatred of popery, and looked with distrust upon the oath, because it required them to obey a government that was bound to respect the religious convictions of the Roman Catholics in the Province. This, in the eyes of the more zealous, was no better than upholding Anti-Christ; and although they at first submitted, yet as they gained strength and their friends in England consolidated their power, they more openly manifested their repugnance, and finally refused to take the oath as it had been prescribed. Yet, for the present all appeared content; new immigrants came from Virginia, and the territory on which they

<sup>1</sup>Bozman, II, pp. 672-3, quoting Langford's *Refutation of Babylon's Fall*.

settled, was erected into a county, and called after the Lady of the Proprietary, Anne Arundel.”<sup>1</sup> “They sat down joyfully,” says Hammond, “followed their vocations cheerfully, trade increased in their Province and divers others were by this encouraged and invited over from Virginia. But these people finding themselves in a capacity not only to capitulate but to overstay those who had so recently received and relieved them,—began to pick quarrels first with the oath, and lastly their averseness to all conformality, wholly aiming (as they themselves confessed) to make it their own. What unworthiness? What ingratitude? What unparalleled inhumanity was in these practices made manifest.”<sup>2</sup>

On receipt of the Declaration and the laws passed by the Assembly, Lord Baltimore, August 6th, 1650, sent a letter in which he accepted the modified oath passed by the Assembly.<sup>3</sup> Thus, through the patience, forbearance and tact of the Proprietary, peace seemed now assured to Maryland.

But the imprudent act of Governor Greene in proclaiming Charles II was fated to bring evil consequences to the colony. In 1651<sup>4</sup> an Act was passed by Parliament for the reduction of the rebellious plantations, and authorizing a fleet to be

<sup>1</sup> Streeter, *Maryland Two Hundred Years Ago*, p. 55.

<sup>2</sup> Hammond, *Leah and Rachel*, pp. 22-23.

<sup>3</sup> *Archives*, I, p. 313-320.

<sup>4</sup> *Archives*, III, p. 265.

sent out for that purpose. By bringing all the influence to bear that he was able to invoke to his assistance, by exhibiting proofs of his loyalty and tolerant government, Lord Baltimore succeeded in preventing Maryland from being included with Virginia and Barbadoes in the instructions about to be issued for the reduction of the colonies which had proclaimed Charles II as King. He showed that Greene's act had not been sanctioned by his authority, and that the Protestants in Maryland enjoyed perfect freedom in the exercise of their religion.<sup>1</sup> The name of Maryland was, therefore, not included in the letter of instructions.

In September, 1651, Cromwell extinguished the last hope of the royalists by the overwhelming defeat of the King's forces and entered London in triumph. In the meantime, about the middle of August, the fleet destined for the reduction of the rebellious colonies set sail. "The Commissioners named to execute the orders of the Parliament were Captain Robert Denis, Mr. Richard Bennet, Mr. Thomas Stagg, and Captain William Claiborne."<sup>2</sup> We may well imagine the indignation mingled no doubt with fear which possessed the Lord Proprietary when he became cognizant of the trick which had been played upon

<sup>1</sup> Bozman, II, p. 672; also 433-34, 441-42.

<sup>2</sup> *Archives*, III, p. 264.

him. The name of Maryland had been erased from the letters of instruction, but instead there was the command "to reduce all plantations within the Bay of Chesapeake to their due obedience to the Parliament of England."<sup>1</sup> In this inclusion of Maryland by the phrase "all plantations within the Bay of Chesapeake," historians generally see the directing hand and the vengeful heart of Claiborne.<sup>2</sup>

Claiborne has able defenders, however, who maintain, and seek to prove that he was altogether innocent of any such instigation, that he was devoid of any desire to reclaim Kent Island, and without hope of Puritan influence that might help him to the accomplishment of this end.<sup>3</sup> It is claimed that he acted with wonderful moderation in the reduction of Maryland, and with remarkable magnanimity afterwards, withdrawing immediately upon the settlement of affairs and not intruding himself again until Governor Stone's proclamation providing for the writs in Lord Baltimore's name, obliged the Commissioners to return once

<sup>1</sup>*Archives*, III, p. 265.

<sup>2</sup>"We have not far to seek for the inspiration of this device, when we find Captain William Claiborne named as one of the Commissioners, and with him Richard Bennet, one of the persecuted Puritans who had sought and found an asylum in Maryland and had taken an obligation of fidelity to the Proprietary."—(Browne, *Maryland*, p. 76.)

<sup>3</sup>J. H. Latané, *J. H. U. Studies*, 13th Series, p. 176.

more to Maryland. It may be that all this is true, but there is at least presumptive evidence to the contrary.<sup>1</sup>

<sup>1</sup>“*Maryland*,” says a contemporary, “was first inserted, to be reduced as well as *Virginia*, but the committee being afterwards satisfied by all the merchants that traded thither (who were engaged to assist with their ships in the reducement of *Virginia*) that *Maryland* was not in opposition to the Parliament; that Captain Stone, the Lord Baltimore’s lieutenant there, was generally known to have been always zealously affected to the Parliament, and that divers of the Parliament’s friends were by Lord Baltimore’s especial directions received into *Maryland* and well treated there, when they were fain to leave *Virginia* for their good affection to the Parliament; then the said committee thought it not fit at all to disturb that plantation, and therefore in the presence of many of the said merchants, and of the two commissioners, Denis and Stagg, caused *Maryland* to be struck out of the said instructions; and the Council of State did, thereupon, give licence to many ships to trade at that time to *Maryland*, but would not permit any to go to *Virginia* till that colony were reduced to obedience. . . . By which it appears Mr. Bennet and Captain Claiborne took upon them an authority much contrary to the intention of state and indeed contrary to common sense and reason, for certainly if the Council had had any cause to have altered their mind in that particular, of *Maryland*, after they had struck it out of the said instructions, they would have caused it to have been put in again by the same name, whereby their intention might have been clearly understood; much less could they have any intention of reducing any place that was not in opposition against them, but in due obedience; so as if *Maryland* had been by any mistake put in by name to be reduced, upon a supposition in the Council that it had been in opposition, yet they could not in reason intend, that in case their commissioners had found, when they came upon the place



Considering Claiborne's past history and relations to Lord Baltimore and the colony, and the chance here offered to settle old scores, the inclusion of Maryland by 'geographical description' after it had been nominally excepted, does not bear the hall-mark of either chance or blind fate. Rather does it appear to be stamped with the sinister imprint of a carefully concerted plan. How did the name of Claiborne come to be chosen as Commissioner? How did the Committee know of his peculiar qualifications, and from whom? It is not at all improbable that he had an emissary in London to look after his interests, and to suggest his and Bennet's fitness for the office of reducers, and to arrange the wording of the Commission. As early as February, 1647, at least, we

(as they did) that it was not in opposition, that they should reduce it, or prejudice any man's right on that account. So that whatsoever was done in Maryland by the said Mr. Bennet, then Governor of Virginia, and the other commissioners was done without authority."—(Langford's *Refutation*, quoted by Bozman, pp. 433-4, 441-42.)

Bozman (I, pp. 441, 434) says in regard to Langford, "what he wrote was from a more intimate knowledge of the affairs of Maryland at that time than almost any other man . . . and being a sensible and *contemporaneous* writer, is to be relied on." Whether or not the phrase, "all the plantations within the Bay of Chesapeake" was a suggestion of the one-time Commander of Kent Island, at least, says Bozman: "Bennet and Claiborne *contrived a construction of them* sufficient to authorize them, in their opinions, to reduce Maryland as well as Virginia."—(*Ibid.*, p. 434).

can follow the trail of this conspiracy in which Claiborne, playing on the "scruples" of the Puritans in Maryland, contrived to form a partnership with them for the overthrow of the government.<sup>1</sup> To say that "he had nothing to expect in the way of support or recognition of his claims from the Puritans of Providence. . . . that he had never been identified with the Puritan dissenters"<sup>2</sup> is absurd; for his confrère Bennet "was the leading spirit among the dissenters, while Claiborne and Matthews, although not identified with the Puritans in religion, had all along been the leaders of the popular party in Virginia having brought about the insurrection under Governor Harvey and deposed him from office."<sup>3</sup>

<sup>1</sup> A commission from Parliament was expected to overthrow the existing government. Claiborne was to be a Commissioner.—(*Archives*, III, pp. 175, 176, 178). Complaints were made against Lord Baltimore by the Protestants of Maryland on the ground that his government was tyrannical, that Protestants were excluded from their religion. The Parliament, therefore, declares void the Charter of Maryland and orders the Commissioners for Foreign Plantations to appoint Protestants to the offices of Maryland.—(*Ibid.*, p. 173). March 4th, 1647, Lord Baltimore asks for a stay of proceedings until he can bring witnesses from Maryland.—(*Ibid.*, pp. 180-181).

<sup>2</sup> Latané, p. 176. "There was a growing Puritan party, and William Claiborne appears to have been at the head of it."—(*History of the Colony and Ancient Dominion of Virginia*, by Charles Campbell, p. 206.)

<sup>3</sup> Latané, p. 175. "Claiborne most probably fully calculated on a restoration to all his rights and claims on the Isle of Kent."—(Bozman, II, p. 439.)

The careful observer should not find it difficult, in the policy directing the events of this period, to see the hand of Virginia reaching out for the absorption of Maryland, and the itching palm of William Claiborne waiting to grasp Kent Island, both feeding the fires of Puritan arrogance and desire. This we discern as far back as 1649 in the glaring falsehoods of the Virginia "Declaration showing the Illegality of the Patent of Maryland." This document sets forth various reasons why the Charter of Lord Baltimore should be annulled, and why, incidentally, the Maryland territory should be added to the domain of Virginia.<sup>1</sup>

<sup>1</sup>The "Declaration" is substantially as follows: 'Virginia by the fatal blow of a *Massmaker* was almost shattered to pieces, and brought to a calamitous condition. The patent of Maryland was obtained through pretence that the country was uncultivated, and uninhabited except by savages. Through defrauding Virginia of her land; destroying and ruining those seated at the Isle of Kent. . . . Establishing of the Romish religion only. . . . Suppressing of poor Protestants. . . . The whole country carried on in the Proprietary's name, all power and dignities being from him only. . . . No mention of a King in all their government. . . . Lord Baltimore imposing enforced oaths of fidelity to maintain his regal jurisdiction, to protect the Roman Catholic religion in the free exercise thereof, and all done by yearly instruction from him out of England as if he were absolute Prince and King. . . . It is evident that the Patent of Maryland was grounded on no good foundation . . . the King being misinformed . . . he would never have granted such a Patent as this to Maryland, being near two-thirds parts of the better territory of Virginia. . . . The great name of Maryland is in effect made but the factory

The grasping policy of Virginia again appears in the 'Reasons of State' advanced by Lord Baltimore, as to why Maryland and Virginia should not be united, evidently written in answer to a demand for their consolidation<sup>1</sup> and years after it is boldly set forth in the 'Objections,' 'Breviats' and 'Protests' sent to the Protector.<sup>2</sup> It is ever the same old quest, of Virginia for Maryland, of Claiborne for Kent, and the "old great, sad, complaint of seducing poor Protestants," while "papists bear rule over the free-born subjects of this nation." If, indeed, Claiborne's intentions regarding Maryland were so benevolent and magnanimous, and no hope of the recovery of Kent burned within him, what is the meaning of the fourth and fifth sections of the Virginia Articles of Surrender, arranged by himself and Bennet, "that Virginia shall have and enjoy the ancient bounds and limits granted by the Charters

of trade, a nursery for Jesuits, etc. . . . We clearly claim by possession, having planted the Isle of Kent almost three years before ever the name of Maryland was heard of . . . . Lord Baltimore's suggestion to the King that those parts were uncultivated and unplanted unless by barbarous people . . . was a misinformation . . . and by it that Patent appears illegally gotten." The Complainants urge "their zeal and pious endeavors to propagate the Christian religion" as a reason for the voiding of Lord Baltimore's Charter, and the return of their ancient boundaries.—(*Colonial History of New York*, III, p. 23, 1649.)

<sup>1</sup> *Archives*, III, p. 280.

<sup>2</sup> See Appendix N.

of former Kings, and that we shall seek a new Charter from Parliament to that purpose against any that have intrenched upon the rights thereof; that all patents of land granted under the colony's seal by any of the precedent governors shall be and remain in their full force."<sup>1</sup> All the ancient grudge of Virginia, and the old feud of Kent Island, the old lust for re-possession and revenge, blaze up again in these words, for the carrying out of these provisions would have deprived Lord Baltimore of his territory and placed the Island once more in Claiborne's hands. Though we have no positive proof that it was actually returned to him after the reduction of Maryland, yet there is a significant allusion in one of the documents of that period, signed by Bennet and Fuller, his friends, in which is mentioned "the Isle of Kent and Palmer's Island, which belong to Captain Claiborne."<sup>2</sup> That he did not take formal possession of his former domain is not to be wondered at; no one knew better than himself the insecurity and instability of the political frame-work in the mother country, and no one knew better than he how to bide his time. King, Parliament, Protectorate, one thing to-day, another tomorrow,—so he would wait until he was sure of his prize, before grasping it only to have it

<sup>1</sup> W. W. Hening, *Statutes at Large of Virginia*, I, p. 364.

<sup>2</sup> *Archives*, III, p. 277.

wrested from him again. There were many reasons why the Protean-natured Captain should not be too much in evidence in England, why he should leave his colleague Bennet to represent him abroad—he meanwhile holding the colony at home. It will be remembered that he had been in the past an ardent royalist, holding high office under the King, and it would have been questionable policy for him to appear in the open claiming recognition from the Commonwealth, when recognition would have involved remembrance of his adherence to the Lost Cause. No one could be more eager to cry, ‘the King is dead, long live the Parliament,’ but he knew that his lightning-changes of political faith would not meet with either sympathy or credence where the Parliamentary powers were concerned. Moreover, his claims to Kent Island had been decided against him. It were far better policy for him to make sure of the hold on Virginia by remaining in that colony, while Bennet, the Puritan, a *persona grata* to the Commonwealth would manage in England to have the Charter of Maryland set aside as invalid. This being accomplished, Maryland would have become a part of Virginia, and both Virginia and Maryland under the joint control of the Commissioners. They were playing a deep game, and stealthiness was Claiborne’s part of the play. Under his bluff, soldierly exterior and his veneer of ruffling bravado, he concealed an infinite depth

of subtlety, cunning and craft. A matchless finesse and policy lurked beneath his Cavalier manner. Not only could he trim his sails to catch each and every wind that might carry him to the Fortunate Isle of his heart's desire, but he could so arrange circumstances that the event transpired apparently without an agency of his own, he could so inspire that the paternity of the suggestion could not be traced to himself.

After reducing Virginia, the Commissioners proceeded to Maryland, and to their demand that the colony should submit to the authority of the Commonwealth, Stone agreed, but to the further condition, that of issuing writs and warrants in the name of the Keepers of the Liberties of England, he would not consent, and accordingly, was deposed by Bennet, Claiborne and Curtis, March 29th, 1652.<sup>1</sup> Two months later, however, he agreed to issue the writs in the name of Parliament, as required, and was then re-instated by the Commissioners.<sup>2</sup> Matters were thus apparently adjusted, and the colony returned outwardly to its former peaceful condition, but beneath the surface-calm boiled Puritan intolerance and greed, the longing of Virginia for her ancient boundaries, and the unsubdued desire of Claiborne for his old possession. The Puritans primed with complaints and pious grievances, had but to appeal to the Commissioners, Bennet and Claiborne, their con-

<sup>1</sup> *Archives*, III, p. 271-2.

<sup>2</sup> *Archives*, III, p. 276.

federates, and these latter with apparent reluctance would come to the rescue. All saw the time at hand for which they had schemed and waited, knowing that it would not be difficult to cogg the dice of circumstance and daily intercourse, to put an extra heavy strain upon some weaker spot,—and the wrongs so carefully manufactured by one party to the plan, could be immediately righted by the other.

In England, meanwhile, history was fast a-making. The Keepers of the Liberties of the People of England, had been summarily turned down and out by Cromwell, and writs no longer ran in their name. About this time without the colonial Commissioners being aware of it, Lord Baltimore found himself in a position in England to assume a bolder attitude. According to the Proprietary's instructions, Governor Stone issued a proclamation by which Baltimore asserted his rights under the Charter and declared that all writs in future should be issued in his name.<sup>1</sup>

<sup>1</sup>“Whereas, the . . . Lord Proprietary of this Province hath given express charge and command to myself and his other officers of justice here to issue out writs within this Province in his lordship's name as formerly being a privilege granted to him by his patent, whereby sovereign other officers of justice here to issue out writs within this Province in his Lordship's name as formerly, being a dominion, faith and allegiance is reserved to the Commonwealth of England, and in that respect the making out of writs here, according to his Lordship's directions aforesaid, cannot anyways derogate from our obedience to that



This action gave the Commissioners and the Puritans the opportunity for which they had waited. It is true, they had no commission from Cromwell, and even the one held from the defunct Keepers of the Peoples' Liberties was not intended to include Lord Baltimore's plantation, nevertheless, the opportunity to bring Maryland to greater subjection was not to be neglected. Bennet "was too much of a Puritan not to be anxious to put the government of Maryland upon such a basis that his brethren whom he had been chiefly instrumental in fixing on the Severn, in that Province, might have all the influence therein which they could wish for."<sup>1</sup>

The yeasty souls of the Puritans had for sometime been thrown into a fermentation of scrupulosity regarding the oath and other supposed griev-

Commonwealth in chief, under God, nor our engagement taken thereto, which we must and ought to be very careful not to infringe."—(*Archives*, III, p. 300). This was on March 2, 1654, and in the following May, Cromwell was proclaimed in Maryland.—(*Ibid.*, p. 304).

<sup>1</sup> Bozman, II, p. 439.

With Claiborne and Bennet, "it was that sweet, that rich, that large country they aimed at; and therefore, they agreed among themselves, to frame petitions, complaints and subscriptions from these benedictoes to themselves, to ease them of their pretended sufferings; and then come with arms and make the Province their own, exalting them in all places of trust and command, totally expulsing the Governor and all the hospitable proprietary officers out of their places."—(Hammond, *Leah and Rachel*, p. 23).

ances, which gave them an occasion to appeal to the Commissioners. In the estimation of these worthies the time was fully ripe, and they appeared again forthwith upon the scene.<sup>1</sup> Claiborne and Bennet, therefore, in August 1654, deposed Governor Stone and appointed as Commissioners to manage the affairs of the colony, Captain William Fuller, Richard Preston the Quaker, William Durand and seven others. An election was ordered for a new Assembly, and "all such shall be disabled to give any vote or to be elected members thereof as have borne arms in war against the Parliament, *or do profess the Roman Catholic religion.*"<sup>2</sup> If zeal for the Commonwealth, and a sense of duty in the discharge of their commission were the actuating principles of Claiborne and Bennet, it is passing strange that they did not content themselves with the disfranchisement of those only who had 'borne arms against the Parliament.' The disabling provisions, however, are extended to the Catholics, who are apparently the real objects of the order, as *their* civic rights are taken from them, *in any case*. This was the last *overt* act of Claiborne and Bennet in Maryland. They then withdrew leaving subsequent events to play into their hands, knowing that Puritan rule in the colony, meant eventually the fulfillment of

<sup>1</sup> *Archives*, III, p. 312.

<sup>2</sup> *Archives*, III, pp. 311-313.

their desires and the triumph of their policy. The province of Lord Baltimore was now in the hands, and at the mercy of that band of scourged and persecuted refugees, to whom he had so generously afforded a haven and a home.

“The first law of the legislature which convened under the new order of things (1654) was to recognize Cromwell’s title to, and authority over, the province, as just; and the next was, to establish an ‘Act Concerning Religion,’ which repaid the former humanity of the Roman Catholics, as the warmed viper of the fable requited the kindness of the husbandman. . . . This is the first enactment against religious liberty to be found in the statute books of Maryland; it came from men who had fled from persecution, it was aimed at those who had afforded an asylum; further comment is unnecessary.”<sup>1</sup> By this Act it was “declared: That none who professed and exercised the Popish (commonly called the Roman Catholic) religion, could be protected in the province, by the laws of England, formerly established and yet unrepealed: Nor by the government of the Commonwealth of England, . . . but were to be restrained from the exercise thereof. That such as profess faith in God by Jesus Christ, though differing in judgment from the doctrine, worship or discipline publicly held forth, should not be restrained from,

<sup>1</sup> Hawks, pp. 42-43.

but protected in, the profession of the faith, and the exercise of their religion; so as they abused not this liberty, to the injury of others, disturbance of the peace, &c. *Provided* such liberty was not extended to Popery or Prelacy, nor to such as, under the profession of Christ, held forth and practised licentiousness.”<sup>1</sup> “That is with the exception of Roman Catholics and the Churchmen, together with the Brownists, Quakers, Anabaptists, and other miscellaneous Protestant sects aimed at by the third exclusion, all others might profess their faith without molestation. Surely this toleration might have been expressed in briefer phrases.”<sup>2</sup> “Thus,” concludes a Presbyterian historian, “the Roman Catholics were deprived of the protection of law in the Commonwealth which their own industry and virtue had reared, and by those Protestants to whom their charity had given a country and a home.”<sup>3</sup> . . . With ingratitude still more odious than their injustice (the Puritans) projected the abrogation not only of the Catholic worship, but of every part of that system of toleration under whose sheltering hospitality they were enabled to conspire its downfall.”<sup>4</sup>

Universal has been the condemnation of these people. In their course there is nothing deserv-

<sup>1</sup> Bacon's *Laws; Archives*, I, 340-1.

<sup>2</sup> Browne's *Maryland*, p. 80.

<sup>3</sup> Grahame, *Hist. of U. S.* vol. II, p. 27.

<sup>4</sup> *Ibid.*, II, p. 23.

ing of palliation before the bar of history. "Himself equally with the Roman Catholic, the object of harsh treatment in England and in Virginia, the Puritan accepted the invitation of a Roman Catholic to an asylum of liberty for both. In it he suffered no wrong in his religious rights, and when he complained that he had not the share in governmental matters, which was appropriate to him, this also was accorded. On which recognition and with the first taste of power, he set himself to plot against his benefactor and against the religionists who had given him a home and liberty. He played the part of a viper stinging the bosom which had warmed him, and made the most disgraceful chapter in the history of Puritanism and of religious liberty."<sup>1</sup> "The ingratitude of these Puritans," says Bozman, "in respect to the disfranchisement of the Roman Catholics . . . deserves the severest reprehension and can admit of no palliation. When through the imprudent liberality of Lord Baltimore, in originally granting indulgence to every sect to settle within his Province, and afterwards, more particularly through the special permission of his government at St. Mary's in allowing those Puritans to form their settlements on the Severn in Maryland after they had been driven out of Virginia, an asylum had thus been generously granted to them; that

<sup>1</sup> Cobb, p. 378.

they should rise up against their benefactors, seize the reins of the government into their own hands, and then proscribe and interdict these very benefactors from all their political rights, and as subsequently appears, cruelly *sequester* their property from them as *delinquents*, was such a shameful sacrifice of all moral feeling at the shrine of religious zeal, as cannot but cover their descendants in the Province at this day, with confusion and regret.”<sup>1</sup>

“Had the Roman Catholics of Maryland,” he says elsewhere, “followed the example of the Puritans of New England, in obstinately and pertinaciously refusing any access whatever into their colony to any person who would not agree to live under their *platform* of religion, as they called it, the Roman Catholic religion might have been at this day the established religion of Maryland. The English government, through all its own vicissitudes as well as those of the New England colonies, from their first planting to their declaration of independence, tolerated the Congregational or Independent sect, as the *established* religion of New England, and by connivance permitted them to persecute and exclude from their civil government, as well as hierarchy, every presumptuous intruding heretic. It is probable that the English government would have acted in the same manner by the

<sup>1</sup> Bozman, II, p. 506.

Roman Catholics of Maryland. . . The admission of the Puritans into Maryland, after they had been ferreted out of Virginia by Sir William Berkeley, as has been hereinbefore stated, together with the unfortunate coincidence of events in England, where these Puritans had seized on the supreme power, gave a death blow to the Roman Catholic interest in Maryland. From this period they never afterwards could regain their just and due influence in the province, although for many subsequent years they continued to form the majority of the inhabitants thereof.”<sup>1</sup>

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<sup>1</sup> Bozman, II, p. 495.

Commenting on the action of the Puritans, Chalmers remarks: “How different are the temper and conduct of this Assembly from that of 1649. Yet it would be incongruous to argue with men who thus contemned the laws of the province without cause; and it would be improper to point out the inconsistency of those who professedly acted contrary to the common principles of the world, without a blush.” *Annals*, I, p. 223. “It would be difficult to find a more odious piece of legislation,” says Ridpath, “than that of the Assembly of the Patuxent.” (P. 222.)

## CHAPTER X.

The Puritans, now masters of Maryland, seem to have carried matters with a high hand. It is claimed that the harsh provisions of the Act Concerning Religion (1654) were never carried out, that Catholics suffered no particular hardships and disabilities from this enactment, but the records of the times and the Court Proceedings of this period will bear witness to the contrary.<sup>1</sup>

<sup>1</sup> *Archives, Court Proceedings*, 1649-57, pp. 425-9.

"Robert Clarke, Gent, hath openly confessed himself in Court to be a Roman Catholic owning the Pope's supremacy." (1655).

"Whereas, Robert Clarke, gent, being fined ten thousand pounds of tobacco to the Lord Protector for the public, as by order of the Court holden at Providence, appeareth and being required to give security according to the said order, pleadeth his debility of estate. The Court doth accept of three thousand pounds of tobacco and cask out of the Bills out of the hands of James Veitch and the plantation of the said Robert Clarke, situate in Brittaines Bay in full of the said debt by fine." (P. 425).

(Deed of Robert Clarke to his Brittaines Bay Property, with edifices, commodities, appurtenances, etc., in payment of his fine. P. 426.)

"Thomas Matthewes hath openly in Court confessed himself a Roman." (1655). (P. 426).

"William Boreman confesseth in Court that he is a Roman Catholic and was born and bred so." (1655). (P. 426).

"John Pyle confesseth himself in Court to be a Roman



In the meantime, Lord Baltimore, in England, was not resting supinely under the intolerable wrong that had been done him. The authority of the Commissioners had lapsed with the extinction of the Parliament that had conferred it. The Lord Protector regarded himself as the residuary legatee of the Crown, the inheritor of all its offices, responsibilities and obligations. Under these conditions, the charter of the Lord Proprietor of Maryland was restored to its original validity. Lord Baltimore was, of course, well aware of the Protector's views upon this subject, as well as his anxiety to placate the peers of the realm; while the extent of his influence, and that of his friends, with Cromwell, may be inferred from the letter sent by the Protector, to Bennet, a letter concerning the boundary disputes written at the solicitation of the Lord Proprietary and his adherents.

“Sir:—Whereas, the differences between the Lord Baltimore and the inhabitants of Virginia, concerning the bounds by them respectively claimed, are depending before our Council, and yet undetermined; and whereas we are credibly informed, you have notwithstanding gone into his plantation in Maryland and countenanced some people there in opposing the Lord Baltimore's officers; whereby, and with other forces from Vir-

Catholic and hath acknowledged the Pope's supremacy.” (1655). (P. 429, etc.).

ginia, you have much disturbed that colony and people to the endangering of tumults and much bloodshed there, if not timely prevented: We, therefore, at the request of the Lord Baltimore, and of other persons of quality here, who are engaged by great adventures in his interest, do, for the preventing of disturbances or tumults there, will and require you, and all others deriving any authority from you,—to forbear disturbing the Lord Baltimore, or his officers or people in Maryland; and to permit all things to remain as they were before any disturbance or alteration made by you, till the said differences above mentioned be determined by us here, and we give further order therein.”<sup>1</sup>

This important document clears up much that is mysterious, and is valuable in explaining the motives, schemes and conduct of the Commissioners in the policy they had pursued towards Maryland while in process of reduction. It is evident, that while Cromwell was something of an unknown quantity in their calculations, they at least were sure enough of his sympathy with the Puritan element, to feel that they might risk a great deal. According to their calculations, the decision concerning the boundary question would ultimately

<sup>1</sup> *Thurloe Papers*, I, p. 724.

The Commissioners were bidden “not to busy themselves about religion, but to settle the civil government.” (Chalmers, p. 236).

be in favor of Virginia, for to their way of thinking the views of the Protector must be identical with their own, as far as the results of the affair were concerned, and they dreamed dreams and saw visions of power and preferment in the attainment of success by their well-laid plans. But there was much afoot abroad that they knew nothing of, and there were many elements in the affairs of the Lord Protector that did not enter into their calculations. They did not count upon the necessity he was under of solidifying his power with the nobility of England. The greatness of the shock to them may well be imagined, when instead of enthusiastic commendation they received from him only a cold reproof, and found that their actions were not only not sanctioned, but to a great extent disallowed, and they were curtly ordered to allow things to remain as they were in Maryland before the alterations and disturbances there had been made by them.

Burning with indignation against Stone for what he considered an unpardonable breach of trust towards the people and of loyalty towards himself, the Proprietary wrote to the Governor charging him with cowardice, telling him the Commissioners would not have dared to oppose him had he shown the proper spirit, upbraiding him for 'resigning without striking a stroke, having 30 many men in arms,' and threatening to give the

commission to Captain Barber to reduce the people to Lord Baltimore if Stone would not. Stone, thus spurred on was induced to make the attempt to regain the Province for Lord Baltimore.<sup>1</sup> Gathering together a small force of about one hundred and thirty men, with this little band he advanced towards Providence. An account of the engagement is given in a letter written April 13th, 1655, to Cromwell by Luke Barber, who had been only a month in Maryland at the time of the encounter. At Stone's request he had accompanied the Governor and the army to the Severn. In order to avoid hostilities, if possible, Barber was commissioned to carry a letter to the people of Providence,—at the end of which communication "the Governor did protest, as in the presence of Almighty God, that he came not in a hostile way to do them any hurt, but sought all means possible to reclaim them by fair means; and to my knowledge," says Barber, "at the sending out of the parties he gave strict command, that if they met any of the Anne Arundel men they should not fire the first gun, nor upon pain of death plunder any. These were his actings to my knowledge upon the march."<sup>2</sup>

When Stone's men attempted to land on a narrow peninsula in the Severn they were fired upon

<sup>1</sup> *Thurloe Papers*, v, p. 483-485.

<sup>2</sup> Barber's Letter to Cromwell, Bozman, II, p. 687-8.

by the "Golden Lion" a merchantman in collusion with the Puritans, and the next morning the men of Providence attacking them on the land side of the narrow peninsula, while the "Golden Lion" assailed them on the other, they found themselves between two foes outnumbering their own small force. "After the skirmish," continues an eye witness, "the Governor upon quarter given him and all his company in the field, yielded to be taken prisoners, but two or three days after, the victors condemned ten to death, and executed four, and had executed all had not the incessant petitioning and begging of some good women saved some and the soldiers others; the Governor himself being condemned by them and since begged by the soldiers, some being saved just as they were leading them out to execution."<sup>1</sup> It was Fuller who led the Puritans against Lord Baltimore's adherents, and treacherously put to death these four prisoners of war after surrender and quarter given. This crime Bennet and Matthews seek to palliate in their petitions to the English government a year later.<sup>2</sup>

Stone was kept prisoner for some time, and the triumph of the Puritans appears so overwhelming and complete, that Lord Baltimore's government

<sup>1</sup> "Letter of Dr. Luke Barber to His Highness," Bozman, II, Appendix, p. 686-7. Bacon's Preface.

<sup>2</sup> *Thurloe Papers*, v, pp. 482-85. Md. Hist. Society *Fund Pub.* No. 7, p. 92.

in Maryland seemed to be forever at an end. The Missionaries, of course, were the first objects to be assailed by the jealousy and fanaticism of the victorious Puritans. "Rushing into our houses," says the *Annalist* of 1656, "they demanded for death the impostors, as they called them, intending inevitable slaughter to all those who should be caught. . . . With almost the entire loss of their property, private and domestic, together with great peril of life" the priests escaped into Virginia, "and in the greatest want of necessaries, scarcely and with difficulty, do they sustain life. They live in a mean hut, low and depressed, not much unlike a cistern, or even a tomb." <sup>1</sup>

In the following June, Bennet went to England to represent his case before the Protector. After the overwhelming victory of the Puritans in Maryland, they imagined under the circumstances, that the Lord Protector would feel called upon to signify his approval of the actions of the Parliamentary Commissioners, as a matter of state policy, if nothing more; that he would laud their action, rejoice in their successful usurpation, and set the seal of his approval with unequivocal enthusiasm. On the contrary, however, his interest in the matter appears to be of the most perfunctory

<sup>1</sup> Extracts from the Letters of Missionaries, 1656, *Fund Pub.* No. 7, p. 92.

kind, only matched by his subsequent indifference concerning the fate of his Maryland brothers in the faith.<sup>1</sup> The Protector indeed was placed in a delicate position. He could not afford to offend those upon whose shoulders he had mounted to power. Neither could he antagonize the nobility with whom he was striving to ingratiate himself. Both were necessary for the continuance of his ascendancy. We have in these two letters a fair sample of Cromwellian diplomacy.<sup>2</sup>

<sup>1</sup> Circumstances seem to have forced from him this second letter to the Commissioners, evidently in answer to a petition from them that he should signify his approval of their course, and of its continuance. . . . But Cromwell, while 'explaining' the other letter of January 12th, doubtlessly in compliance with their urgent request, takes occasion to repeat his former injunction, that the boundary rights of Maryland must be preserved inviolate, until pronounced upon by himself and Council.

<sup>2</sup> "Whitehall, 26th Sept. 1655.

"Sir:—It seems to us by yours of the 29th of June, and by the relation we received by Colonel Bennet, that some mistake or scruple hath arisen concerning the sense of our letters of the 12th of January last,—as if by our letters we would have a stop put to the proceedings of those Commissioners who were authorized to settle the civil government of Maryland. Which was not at all intended by us; nor so much as proposed to us by those who made the addresses to us to obtain our said letter; but our intention (as our said letter doth plainly import) was only to prevent or forbid any force or violence to be offered by either of the plantations of Virginia or Maryland, from one to the other upon the differences concerning their bounds; the said dif-

The control of the men of Providence was now entire in Maryland, but the other parties to the contract were as yet unprovided for; Virginia and Claiborne awaited their share of the spoils, and the invalidating of Lord Baltimore's Charter, was the next move, which would consolidate the two colonies and restore Kent Island, to its former claimant. The boundary disputes must have been taken up with renewed eagerness. Every possible objection was advanced and pressed upon the home government for Lord Baltimore's dispossession by Bennet and Matthews, who had gone to England to act as agents for Virginia. The Charter

ferences being then under consideration of ourselves and Council here. Which for your more full satisfaction we have thought fit to signify to you."—(*Thurloe Papers*, iv, p. 55). The arrival of Dr. Barber in the colony some months previously, in fact just before the engagement of the Severn, seems significant. He was an intimate and trusted friend of Cromwell, and an equally devoted adherent of Lord Baltimore. It is affirmed by the Commissioners that it was to him Lord Baltimore proposed giving the commission for the reducing of Maryland to his allegiance, if Stone refused to take up arms for the Proprietary.—(*Thurloe Papers*, v, p. 485). In view of all this, his report afterward to the Protector, his great influence, his loyalty to Lord Baltimore, it is within the bounds of probability that this able man was sent to Maryland at this particular juncture, as the result of an understanding between the Proprietary and the Protector, to report upon conditions to the end that some arrangement might be effected by the home government for the returning of the province to the Lord Proprietary.



was represented as dishonestly obtained; the grant as exorbitant; Virginia was shown to have been defrauded, and the Isle of Kent illegally taken; maladministration was charged to Lord Baltimore, who was represented as allowing no laws but those of his own making, and with giving his colonists no appeal; that the authority of the Protector was not upheld; that it was unlawful for subjects of the Commonwealth to be under a Papist government; malignancy, sedition and innumerable other charges, were laid against the Proprietary, who was held up as a tyrant and as an adherent of the King; the advantages of uniting Maryland and Virginia, under one government, are alluringly set forth, while the ever ancient, ever new wail of the "seduced poor Protestants" forms a fitting finale to the whole.<sup>1</sup> During this interval, Lord Baltimore strove with all his power, to have the justice of his claims acknowledged in England, to retain his hold upon the colonists in Maryland who were still loyal to his interests, and to strengthen that party which had always openly protested against his deposition and now advocated the restoration of his government. He made formal complaint to the Lord Protector,<sup>2</sup> who referred the matter to a commission. The report of this Commission was, we may suppose,

<sup>1</sup> *Thurloe Papers*, v, pp. 482-5.

<sup>2</sup> November, 1653.

favorable to Lord Baltimore,<sup>1</sup> and of a nature to make him sufficiently sure of his ground to risk the appointment of Josias Fendall as his Lieutenant, and Governor of Maryland.<sup>2</sup> Before Fendall had an opportunity to take any decisive action, however, the Puritans had him arrested "on suspicion." He was released only after taking oath that he would neither directly nor indirectly be a "disturber to this present government till there be a full determination ended in England of all matters relating to this government."<sup>3</sup> On the 16th of September 1656, the Committee of trade submitted the whole matter, proposals and answers to Cromwell, who in consequence promised "his Lordship a despatch with all convenient expedition."<sup>4</sup> Lord Baltimore, therefore, sent his instructions to Fendall to see that the new order of things was duly carried out, emphatically insisting that religious liberty be secured to all who profess to believe in Jesus Christ. In this letter he

<sup>1</sup> May, 1656.

<sup>2</sup> July 10, 1656.

<sup>3</sup> *Archives*, x, 463.

The report of Matthews and Bennet, alluded to above, was referred July 31st to the Committee for trade. This committee thought fit "to desire Bennet and Matthews to make some proposals for the settlement and peace of the Province." The proposals were made, and Lord Baltimore replied, with which reply "the said Richard Bennet and Samuel Matthews declared themselves satisfied."

<sup>4</sup> *Archives*, III, pp. 324-5.

also provided for the widows of those who had been slain during the rebellion.<sup>1</sup>

After much discussion, a satisfactory agreement was at length reached between Lord Baltimore and the authorities in England (Nov. 30, 1657), according to which the government was to be surrendered to the Proprietary, and to his jurisdiction all were to submit. In return, the Proprietary guaranteed immunity to all offenders in the late rebellion, assuring them that they should have their lands or be permitted to leave the colony if they wished to do so, and 'lastly Lord Baltimore doth promise that he will never give his assent to the repeal of the law whereby all persons professing to believe in Jesus Christ have freedom of conscience.'<sup>2</sup> The final articles of agreement were signed by Josias Fendall the Governor, and Philip Calvert the brother of Cecilius, and on March 24, 1658, Captain William Fuller, the Puritan, and Richard Preston, the Quaker, surrendered the government again into the hands of the rightful Proprietor.<sup>3</sup>

<sup>1</sup> *Archives*, III, pp. 324-26.

<sup>2</sup> *Ibid.*, pp. 332-34.

<sup>3</sup> *Ibid.*

According to the articles of agreement no further "restitution or satisfaction" was to be required or made on account of any official acts from December 1, 1649; all fees were to be paid to "sheriffs and secretaries" from 1652; no one was to "be denied or hereafter made incapable of electing or of being elected to any future Assemblies," by reason of anything done "in relation to the late alteration

It is worthy of remark that in the final articles of agreement,<sup>1</sup> the Puritan Commissioners appear more concerned regarding the clauses pertaining to property and the validity of past official acts, than they do respecting any provision to guarantee religious liberty, which subject is not touched upon.<sup>2</sup> It is Lord Baltimore who always insists upon liberty of worship. In his letter of instructions to Fendall: <sup>3</sup> "His Lordship wills and requires his said Lieutenant and Council, that the law in the said Province entitled an Act Concerning Religion, and passed heretofore there with his Lordship's assent, *whereby all persons who profess to believe in Jesus Christ* have liberty of consci-

in the government;" "no Act or order of Assembly, or Courts within the Province passed since 1654 in cases of meum and tuum were to be declared void by pretence of irregularity of the power of government during that year;" all land grants hitherto made were to be valid; the oath of fidelity was not to be 'pressed upon people now resident within the province,' but instead, the following engagement was to be subscribed to: "I . . . do promise and engage to submit to the authority of the Right Honourable Cecilius Baltimore, and his heirs within this Province of Maryland, according to his patent of the said province, and to his present Lieutenant and other officers here by his Lordship appointed, by whom I will be aiding and assisting, and will not obey or assist any here in opposition to them." Lastly, no one was to be deprived of his arms.—(*Archives*, I, pp. 369-71.)

<sup>1</sup> March 24, 1658.

<sup>2</sup> *Archives*, pp. 370-1.

<sup>3</sup> Oct. 23, 1656.

<sup>4</sup> Underscored by Lord Baltimore.

ence and the free exercise of their religion there, be duly observed in the said province by all the inhabitants thereof.”<sup>1</sup> Again in the proposals of agreement signed by Lord Baltimore, November 30, 1657, he promises “that he will never give his assent to the repeal of a law established heretofore in Maryland by his Lordship’s consent, whereby all persons professing to believe in Jesus Christ have freedom of conscience.”<sup>2</sup> The Puritans were very willing to accept all the advantages of the principle, but the principle itself and its rights they were loath to concede to others. They had, indeed, so little reason to fear lest Lord Baltimore should not continue his policy of religious freedom, that they did not deem it necessary to insert a clause to that effect in the final agreement.

In view of the facts just narrated, the following assertion of Neill is refreshing: “after a fight between the royalists and Puritans near Annapolis, their difficulties were settled by the *Cromwellian Commissioners* making a compact with Lord Baltimore ‘that he would never consent to the repeal of a law established heretofore in Maryland by his Lordship’s consent, whereby all persons professing to believe in Jesus Christ have freedom of conscience there.’ That law so dear to the Puritans *was the Act of 1649* which they

<sup>1</sup> *Archives*, III, p. 325.

<sup>2</sup> *Archives*, III, p. 334.

had used their influence to enact.<sup>1</sup> We have seen, indeed, how tenderly they treated the *law so dear to them*. That the credit for the law of religious liberty was due to Lord Baltimore and the Catholics, has been fully made manifest. Nor did his Lordship, insist upon the law as a mere pretense or subterfuge. It was a law *dear* indeed to him, and he was determined to have its provisions respected. In the following year (1659) he writes to Governor Fendall: “. . . To the end that the Act touching religion may be inviolably observed both in the Provincial and in all inferior Courts of the Province, I have caused some copies of it to be printed and sent over to you, one whereof I would have set up in some convenient place of the room where any Court shall be held in my Province sometime before the Court break up. And I shall strictly require and enjoin you to maintain that Act and proceed in all your Courts exactly according to it, and to see that all Commissioners in their Courts do so too.”<sup>2</sup>

Again was the Province restored to the Catholic Proprietary and once more was religious liberty established in the Land of Sanctuary.

The Proprietary's troubles, however, were not yet at an end. Again he was destined to taste the bitterness of treason. Fendall's zeal in Lord Balti-

<sup>1</sup> *Maryland; Not a Roman Catholic Colony*, p. 10.

<sup>2</sup> *Archives*, III, p. 384.

more's cause, and his prominence during the Puritan hostilities, possibly attracted the attention of the Proprietary to the man who afterwards betrayed him in so shameful and signal a manner. His treachery must have dated from the beginning of his appointment as Governor.<sup>1</sup>

In 1660 the smouldering embers of the conspiracy burst into a blaze. It is not possible to tell by what devious ways and dark plotting, Fendall arrived at the successful issue of his shameless intrigue, for never once does he come into the

<sup>1</sup> From the letter written by Lord Baltimore, after the collapse of the rebellion we learn something of Fendall's actions in the early days of his Lieutenantship. He alludes to Fendall's 'craft and subtilty' 'his faults and exorbitances,' 'such as his negligence at Courts, his contradicting orders of Court, even orders made by himself and Council with the express provision included that they should not be altered but by himself and Council, and which complaint against him we gave notice of and have since found to be true, though we could not at first believe so ill of him.' He also charges him with having made sinister use of a passage in a letter (written by Lord Baltimore in 1659) in order to stir the people up against the Proprietary by falsely representing that the latter had ordered the enforcement of an Act passed in 1646, concerning tobacco duties. (*Archives*, I, p. 422.)

McMahon says: "Fendall's treachery is conspicuous in almost every transaction with which he is connected." (*Hist. of Maryland*, p. 10.) Chalmers calls him "a man of restless intrigue. . . who had been appointed Governor by the Proprietary, because his habitual turbulence had been mistaken for a principle of attachment to his Lord." (*Annals*, I, p. 224.)

open; employing his genius for deception, he uses others as decoys and tools. It is not unlikely that Fuller also, who was one of the Burgesses, was a leading spirit in this conspiracy.<sup>1</sup>

The whole proceeding was ingeniously arranged. On March 12th, 1660, the Burgesses declared themselves to be "a lawful Assembly without dependence upon any other power in the province."<sup>2</sup> The Upper House in reply asked if the Burgesses considered themselves an Assembly without the Governor and the members of the Upper House, and independent of the Lord Proprietary.<sup>3</sup> To come to an understanding, a meeting was arranged between the two Houses, and Governor Fendall asserted his belief that his power of confirming the

<sup>1</sup>The Governor's proclamation against William Fuller will show to what an extent he was involved in Fendall's rebellion: "Foreasmuch as William Fuller, doth privately lurk and obscure himself in unknown places, I have thought fit to make the same publicly known to all persons, and do hereby require and command all and singular the good people of this Province, Sheriffs, constables and other his Lordship's officers both civil and military to be diligent in inquiring, searching, seizing and apprehending him the said William Fuller in all places whatsoever, whom if they shall happen to take I do hereby further require them that they see him so apprehended to be carried to the next Justice of the Peace, whom I do hereby straitly command securely to keep him in prison, and presently inform someone of his Lordship's Council of his apprehension that he may be safely conveyed to me at St. Mary's."—(*Archives*, III, p. 401.)

<sup>2</sup> *Archives*, I, p. 388.

<sup>3</sup> *Ibid.*, p. 389.



laws, was only valid provided his Lordship did not dissent, and it was his opinion that if the Burgesses should enact laws and publish them in his Lordship's name, those laws should be considered to be in full force. This appeared honest upon the Governor's part, yet it is evident from what happened subsequently, that the whole proceeding, as well as what followed was by preconcerted arrangement between the Burgesses and the faithless Governor.

The second act of the farce was played when the Burgesses protested against the Governor and Council considering themselves an Upper House, but they gravely conceded that His Lordship's deputy and the Councillors might, if they pleased, seat themselves in the *Lower* House.<sup>1</sup> Fendall affected to weigh the matter, as one might an academical question, and then boldly threw off the mask, accepting their proposition, announcing his willingness to sit with them in the manner they desired, and 'leaving the power of dissolving the House to the Speaker of the Burgesses.'<sup>2</sup> Thus did Fendall betray his oath to defend the rights of the Proprietary; Maryland was left without a governor, and his Lordship's power virtually wrested from him. The faithless deputy lieutenant, intoxicated with his success, doubtless aspired to

<sup>1</sup> *Ibid.*, p. 390.

<sup>2</sup> *Ibid.*, p. 391.

the dominion of the Province, and trusted to the power he exercised over his underlings to hold the colony against all odds. He at once began open war, stirred up sedition, 'raised a faction against his Lordship's jurisdiction and endeavored to change the government into a Commonwealth.'<sup>1</sup> In pursuance of his policy, he surrendered his commission received from Lord Baltimore, and accepted another from the Assembly. To further strengthen his position, a law was passed declaring it a felony to disturb the government thus established, and he issued a proclamation commanding the colonists to obey no authority but that of the Grand Assembly or of his Majesty.<sup>2</sup>

The news of Fendall's betrayal of his trust was at once communicated to Lord Baltimore, who fearing that the late outrages in the colony would be re-enacted, hastened to avert, if possible, the calamity. He commissioned Philip Calvert as Governor,<sup>3</sup> and appealing to the King, caused His Majesty to throw the weight of his influence and power into the cause of the preservation of peace in Maryland, by sending letters to the Governor "commanding all magistrates and officers and all others his subjects in these parts, to be aiding and assisting to the re-establishment of his Lordship's just rights and jurisdiction within this province."<sup>4</sup>

<sup>1</sup> *Archives*, III, p. 387.

<sup>2</sup> Bacon's Laws, under 1659, ch. XI.

<sup>3</sup> *Archives*, III, pp. 391-2.      <sup>4</sup> *Ibid.*, p. 394.

Thus by the prompt action of Lord Baltimore this conspiracy collapsed. A general pardon was finally extended to all those "engaged in the late mutiny and sedition, for any crime by them committed in the mutiny" except Josias Fendall and John Hatch.<sup>1</sup> They were both pardoned soon after, however; Hatch was fined, and Fendall was declared incapable of holding office, or of exercising the right of the franchise.<sup>2</sup>

There have not been wanting some who, snatching at any opportunity to belittle Lord Baltimore, have affected to see in this conspiracy a popular movement for the independence of the people from the Proprietary. This attempt to overthrow his Lordship's government was the action of a few turbulent, ambitious men, and nowise represented the general sentiment of the inhabitants. As after events amply proved, the people were more prosperous and more contented under the Proprietary, than they were under a royal governor.

<sup>1</sup> *Ibid.*, 395.

<sup>2</sup> *Ibid.*, III, p. 408.

## CHAPTER XI.

Tried in the fire of persecution, rebellion, and treason, the Proprietary, for the last fifteen years of his life, was to enjoy a comparative peace, happy in the contemplation of the successful development of his benevolent plan to colonize without persecution—a plan to which he had so long and amidst so many trying vicissitudes devoted his energies, his fortunes and his life. Writing of this period, Alsop, who had been a redemptioner, says: “I really believe this land or government of Maryland, may boast that she enjoys as much quietness from the disturbance of rebellious opinions, as most states or kingdoms do in the world, for here everyone lives quietly, and follows his labour and employment desiredly. . . . I dwell now by Providence, in the Province of Maryland (under the quiet government of Lord Baltimore), which country abounds in a most glorious prosperity and plenty of all things.”<sup>1</sup>

It was during this period that the Friends, or Quakers, appear conspicuously on the scene in Maryland, at a time when persecution against them was wide-spread throughout the colonies. Everywhere but in Maryland “they suffered ille-

<sup>1</sup> Alsop's *Character of the Province of Maryland*, 1666. Shea's Edition, pp. 46, 90, N. Y., 1869.

gal fines, imprisonment and whipping; their ears have been cut off, their faces branded, estates seized and they themselves banished.”<sup>1</sup>

A notable example of the different kinds of treatment experienced by these people in other colonies is shown in the history of Wenlock Christison, a famous Quaker in his day. His origin is unknown.<sup>2</sup> We first hear of him when as an itinerant preacher he was imprisoned in Boston. After his release he went to Plymouth where similar enactments against the Quakers were in force, and where he was treated with far greater inhumanity, being not only imprisoned, but starved and whipped as well, and finally banished on pain of

<sup>1</sup> Kaye, *J. H. U. Studies*, 23rd Series, p. 28. Death itself was their portion and punishment in Massachusetts. In Maryland they found a haven and a home; “they were protected in their modes and places of worship, they had concessions granted to their conscientious scruples and they had deference shown to their peculiarities by statutes passed in their behalf. . . . A very thorough examination of the records of Talbot county (the Quaker stronghold in Maryland) and an equally thorough examination of the ‘minutes’ of the Meetings of the Friends at Third Haven, have revealed not a single instance of personal violence inflicted in that county upon a Quaker on account of his religion; and it is noted that our Court records extend back to 1662, a period when persecution was rife elsewhere, and that the minutes of the Meetings commence in 1676, a period when the Friends were still emulous of martyrdom and would have been sure to record any case of ‘suffering.’”—(Harrison’s *Wenlock Christison*, pp. 12-13).

<sup>2</sup> His name is sometimes written Christopherson. He was was probably of English birth.

death. The years following were filled with the experience of bitterest persecution and suffering for Christison and his brethren. "We lose sight of him," says his eulogist, "as he is driven forth with blows into the wilderness, a wanderer, without certain home, truly a vagabond but not in an opprobrious sense, imprisoned, starved, robbed, beaten, outlawed. When we catch glimpses of him again, it is under more auspicious circumstances. We find him settled in his own quiet home, sitting at his own fireside, in the midst of loving wife and children. We find him surrounded by honoring friends and neighbors, occupying the seat of the elders, among the Friends, without fear of pillory, jail, or constable's whip. We find him protected by benign laws, and even daring to stand covered—precious privilege—in the presence of Governors and magistrates. We find him, in short, in tolerant Maryland."<sup>1</sup> Christison came to Maryland about 1670, acquired wealth, position and influence, and was elected a Burgess. An account of his life in the colony, of the attitude of the Maryland government generally towards the Quakers "furnishes evidence of the extreme liberality of sentiment that prevailed towards the Friends in Maryland; more than this, it shows that there was a disposition to indulge them to an extent which would not be tolerated in the present day."<sup>2</sup>

<sup>1</sup> Samuel Harrison's *Wenlock Christison*, p. 49.

<sup>2</sup> *Ibid.*, p. 68.

“There is a remarkable confirmation of the statement that the government of Maryland was very liberal towards the Quakers, who were persecuted by almost every community where they appeared, which has not before been noticed. There appears to have been a small society or settlement of Friends—a settlement of which the historians of that body of Christians have failed to give any account whatever—within the territory disputed by Virginia and Maryland, upon the borders of Accomack and Somerset Counties. An attempt was made in 1663 by one Colonel Scarborough to bring these people under the jurisdiction of Virginia. But they positively refused to acknowledge the jurisdiction of that province, and claimed to be under the government of the Lord Proprietary of Maryland. . . . Some of the Commissioners appointed by the Governor and Council of Maryland for the granting of land titles . . . were Quakers. In a commission appointed in 1665 composed of seven persons, no less than three were of the Society of Friends. . . . When Somerset was organized in 1666 there were three Quakers acting as land commissioners and probably as Justices of the Peace. All this serves to indicate with what feelings they were regarded by the Proprietary government of Maryland.”<sup>1</sup>

<sup>1</sup>Harrison, note, p. 11, quoting Accomack County, Virginia, Records.

“In 1672 on the departure of John Burnyeat, a leading Quaker, for England, the Quakers were assembled in Maryland to bid him farewell. Fox arrived just in time for this meeting.” He says of it, “a very large meeting this was and held four days, and to which besides many Friends, came many other people, many of whom were of considerable quality in the world’s account, for there were amongst them five or six Justices of the Peace, a Speaker of their Parliament or Assembly, one of the Council and divers others of note; who seemed well satisfied with the meeting.”<sup>1</sup> After this the Quakers held regular meetings.<sup>2</sup>

Thus while driven from every other colony the Friends, in common with the persecuted of all other sects found a haven in the Land of Sanctuary. In return they refused to aid in defending the province that had afforded them a refuge, refused to conform to its customs and obey its laws. They would neither take the oath of fidelity, bear arms, nor hold offices and perform civic duties requiring the oath, which they considered it an impiety to take. Now, defense of their colony was the first and most essential obligation of the settlers of the New World, always in real and momentary danger of an Indian invasion, while “to allow the customary oaths to be omitted by jury-

<sup>1</sup> George Fox’s *Journal*, abridged by Perry L. Parker, p. 431.

<sup>2</sup> J. S. Norris, *The Early Friends in Md.*, pp. 12-14.



men, or in testamentary matters would have been a dangerous innovation on English Common Law, and might on that ground have been construed as contrary to the charter, and have involved the Proprietary in complications with England.”<sup>1</sup> They not only refused to take the oath themselves, but dissuaded others from so doing; spoke against the observance of the laws<sup>2</sup> were guilty of contempt of Court, and even refused to subscribe to the Act of Assembly which substituted an agreement for the oath of fidelity, out of consideration for their extreme scrupulosity, “alleging that they were to be governed by God’s law and the light within them, and not by men’s law.”<sup>3</sup> The disaffection that was spreading in the Province made it necessary that some steps be taken to preserve order and prevent anarchy, and in consequence, it was proclaimed that all those who refused to subscribe to the engagement (substituted for the oath) should be considered rebels and traitors. The Quakers, that had been arrested, signified their desire to leave the Province, and the warrant was withdrawn. They were allowed to depart in peace without punishment for their seditious actions.<sup>4</sup> This was in 1658, under Fendall, and during the rest of the year, as well as the following one, the

<sup>1</sup> Petrie, *Church and State in Md.*, pp. 35-6.

<sup>2</sup> *Archives*, III, pp. 348-349.

<sup>3</sup> *Ibid.*, III, p. 352.

<sup>4</sup> *Ibid.*, III, pp. 352-353.

Friends continued to go among the people dissuading them from military discipline and duty, in what was then a time of great danger, striving by argument and influence to prevent the colonists from giving testimony, acting as jurors or holding offices 'to the no small disturbance of the laws and civil government thereof.'<sup>1</sup> As the Quakers not only refused their own obligations but endeavored to bring the other settlers to the same way of thinking, it is easy to fancy what would have been the consequence if they had been allowed full scope in their campaign of conversion. Governor Fendall, in 1659 issued an order that Quakers thus disturbing the peace, should be whipped and banished from the colony.<sup>2</sup> This order, however, was never carried out or sanctioned by the Proprietary. A prominent Quaker named Thurston, who with a colleague by the name of Cole, had been conspicuously active in stirring up the people, again defied the laws after the issuing of this order. He was released, however, upon the representation that the law specified Quakers "not *inhabitants of the Province*" and at 'the time of the making of the order he was *within the Province* and consequently not within the letter of the law.'<sup>3</sup> He was not punished, but was compelled to leave Maryland.

<sup>1</sup> *Archives*, III, p. 362.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Archives*, III, p. 364.

In 1662 the Friends applied for a dispensation from the oath, but after due consideration, the petition was refused. It was rather unreasonable, to expect the government to revolutionize its customs and methods of judicial procedure to accommodate the scruples of those to whom it had afforded a refuge, and who were free moreover to leave if they were not content.<sup>1</sup>

One must concede that, in the face of the evidence here presented, it can hardly be considered a piece of special pleading to maintain that not only were the Friends never persecuted under the Proprietary Government of Maryland, but that every consideration was shown them. When they deliberately defied the government, stirred up sedition, and refused to conform to the established customs of colonial life, the laws they ignored were put in operation against them, as they would have been against any others, of no matter what creed, who had done in like manner. A Catholic was fined and imprisoned for such a slight thing as speaking disrespectfully of Protestants, at a time when Catholics were in complete control and in his home, too, when he had heard his own religion bitterly reviled. A Catholic refusing to bear arms, discouraging others from their manifest duty, refusing to perform civil offices required of him, flinging down the gauntlet to the English

<sup>1</sup> See Appendix O.

Common Law by rebelling against the oath, would certainly have fared no better, if as well as the Quaker. When the Friend had an opportunity he dealt not so leniently with the Catholic who had given him a refuge and a home. After the downfall of the Catholic regime (1692) Quakers and Catholics were both placed under civil disabilities, but these disabilities were removed in regard to the Quakers in 1702 when they were granted the same rights as the other Protestants. In the Assemblies which followed, many Quakers were members, but they who had scrupled at an oath, did not scruple the passing of severe laws against Catholics. Much has been made of this fact that for a brief interval in the history of Maryland—during the few years of Fendall's administration—orders were issued banishing the Quakers from the colony, and ordering them to be whipped if found therein. The reasons that gave birth to this order against the Friends, and the fact that the punishment was never carried out, are passed over dryshod by their apologists. *There never was any persecution of the Quakers in Maryland.* The punishments some suffered were occasioned, not by any antagonism of the people to their religious belief itself, but because the practical application of their creed would have resulted in anarchy within, as well as destruction from without. Their claims (extraordinary and unreasonable in that day and under those circumstances) were, as has

been seen, always earnestly considered and allowed, as far as consonant with the stability of the government; statutes were changed to meet their peculiar tenets, they were given places of honor and trust, even sitting in the Assembly, and whatever disabilities they endured they wilfully brought upon themselves. The case, then, of the Quakers in Maryland, is a political and civic, but not a religious one.

The presence of Puritans without convictions for witchcraft would seem anomalous. It was during the Puritan régime that we first hear of witches in Maryland. While no death penalties were ever inflicted on those unfortunate suspects in the Land of Sanctuary, some few instances are on record to remind us that there were not wanting in the Province those whose dispositions were modeled after Puritan forms. In 1654, at sea, on the ship "Charity" about a fortnight before its arrival in Maryland, it became rumored among the seamen that a woman aboard named Mary Lee was a witch, 'the sailors confidently affirming the same upon her own deportment and discourse, and importuning the master that a trial might be had of her, which the master refused' . . . Finally the sailors apprehended her without an order, and, without the consent of the ship's captain, the men hanged the woman.<sup>1</sup>

<sup>1</sup> *Archives*, III, p. 307-8.

Father Francis Fitzherbert travelling as an unknown layman, was a passenger on this ship when Mary Lee was hanged by the sailors. In the Jesuit Letter of 1654 the following allusion to this occurrence is made. "The tempest lasted, in all, two months, whence the opinion arose, that it was not on account of the violence of the ship or atmosphere, but was occasioned by the malevolence of witches. Forthwith they seize a little old woman suspected of sorcery; and after examining her with the strictest scrutiny, guilty or not guilty, they slay her, suspected of this very heinous sin. The corpse and whatever belonged to her they cast into the sea." <sup>1</sup> Needless to say, at such a time, it would have been worse than useless for the priest to have made any interference.

In 1674, John Cowman was 'arraigned, convicted and condemned' for 'witchcraft, conjuration, sorcery and enchantment used upon the body of Elizabeth Goodale. He was reprieved by the Governor at the intercession of the Lower House, carried to the gallows, the rope put about his neck, it there being made known to him how much he is beholding to the Lower House for interceding in his behalf. Afterwards he was to be employed in such service as the governor should see fit.' <sup>2</sup>

<sup>1</sup> Letters of Missionaries,, 1635-38, *Fund Pub.* No. 7, p. 91.

<sup>2</sup> *Archives*, II, pp. 425, 444, 447.

There was still another case similar to the one mentioned above, in which John Washington, great-grandfather of George Washington, lodges a complaint against one Edward Prescott for the hanging of Elizabeth Richardson for witchcraft on his ship.<sup>1</sup> But it must be remembered that neither of these executions took place upon Maryland soil, and in both were the proceedings condemned by the authorities.

As far as known, these three cases include the whole story of Maryland's part in witchcraft. This was at a time too, when the land was swept by the horrors incident to this terrible suspicion. In Salem at one time 100 persons lay in jail under the charge of witchcraft (1691), and the blood of the innocent unfortunates, done to death by mad fanaticism, cried to heaven.<sup>2</sup>

The Presbyterians also found in Maryland a refuge from persecution. Francis Doughty was probably the first pastor of the first Presbyterian Church in the Province, into which he came about 1657, arriving there by way of a trail of ejections and arrest. His seems to have been a stormy career, and the man himself not particularly remarkable for either prudence or self-control. "The traces of his work in Maryland are provokingly small. . . . It is a pleasure to note that

<sup>1</sup> Browne's *Maryland*, pp. 83-88.

<sup>2</sup> Ezra Hoyt Byington, *The Puritan as a Colonist and a Reformer*, p. 178.

the liberty of conscience which he had so long sought, but sought in vain, Doughty at last found in the liberal religious policy, which made Maryland a place of refuge for all victims of ecclesiastical tyranny.”<sup>1</sup>

It is to be noted that the Presbyterians were not long in the colony before a disposition was manifested to rebel against the established order of things. It was about this time that we find Charles Nicholett, a minister, endeavoring to incite the people to acts of revolt and intolerance. But his efforts were futile.<sup>2</sup> The people were evidently

<sup>1</sup> *Early Presbyterianism in Maryland*, J. W. McIlvaine, *J. H. U. Studies*, 8th Series, pp. 8-9. Cfr. *Days of Mackemie*, Rev. L. P. Bowen.

<sup>2</sup> In the Acts of the Assembly of 1669 we read: “Charles Nicholett in his sermon on Wednesday last to the Lower House did say ‘that they should beware of the sin of permission, and that they were now chosen or elected both by God and man, and have power put into their hands. The country hath often had an Assembly, but never an Assembly that so great expectations were as from this,—he could have wished that they had read the Proceedings of the Commons of England to see what brave things they had done. And now let me beg of you to consider the poor people, for the Lord will hear their cause. You are not insensible how heavy the tax was upon them the last year, therefore, let me desire of you to beware of that sin of permission, for it is an old saying,—set a beggar on horse-back and he will ride, so set a child on horse-back and he will be afraid to guide the horse; Therefore, let me desire you to go on with courage, for that you have a power of yourselves, and equal to the rest of that, the people,—and a liberty equal to the people of England; and that if they did not make such laws as was agreeable to their own



satisfied with the existing conditions, for the time being at least. Nicholett was fined 40 shillings for his 'seditious words' and obliged to crave pardon of the Lower House, the Governor and Assembly, for 'meddling with business relating merely to the government.'<sup>1</sup>

In 1648, in a commission annexed to the "Conditions of Plantation" of that year, Lord Baltimore gives permission to 'persons of French, Dutch or Italian descent' to settle in the colony 'in as ample a manner and upon the same terms and provisoes . . . as you are authorized to grant to any planter of British or Irish descent.'<sup>2</sup> In 1660 Augustine Herman,— an influential and wealthy Bohemian transported himself from the Dutch Settlement at Manhattan to Maryland. He was one of the two ambassadors from Governor Stuyvesant to Maryland the previous year, regarding the 're-delivery and restitution of servants and others who for debt had fled' to Lord Baltimore's colony.<sup>3</sup> After this he made a map of Maryland, which his Lordship considered of such benefit to the province that he granted him in return 'free denization'

conscience that then this was no liberty but a seeming liberty and hath better be without it."—(*Archives*, II, pp. 159-160.)

<sup>1</sup> *Archives*, II, p. 163.

<sup>2</sup> *Archives*, III, pp. 232-233.

<sup>3</sup> *Archives*, III, pp. 366-78.

and a large tract of land, which in memory of his native land, Herman named "Bohemia Manor."<sup>1</sup>

About this time the Labadists appeared in Maryland and seem to have found a refuge from persecution. The Labadists were founded by a Frenchman, Jean de Labadie, a fanatic, who was born at Bordeaux in the year 1610. He was successively a Jesuit, a Jansenist, and an apostate. After being expelled from the Walloon Church at Middleburgh he announced himself as inspired and endowed with prophetic gifts, and founded a peculiar communistic sect of so-called Mystics who also considered themselves possessed of divine light and inspiration. Their practice of private marriage brought them into conflict with the law, as did also the ease with which they separated from each

<sup>1</sup> *Archives*, III, pp. 398-9.

Herman, a number of relatives, and Parks a Frenchman, were naturalized in 1666.—(*Ibid.*, II, p. 144-5.) The first German settlers in Maryland were among the Dutch and French Labadists who settled in Cecil County on Bohemia Manor in 1681. Great numbers of Germans settled in Western Maryland and along the Pennsylvania border in the first part of the 18th century.—(*First Settlements of Germans in Md.*, Edward Schultz, p. 4) In 1660, 'free denization' and land were granted to some Swedes and Dutch,—Peter Meyor, Axtell Stille and fifteen others from New Amstell; and Jacob Clauson with three companions from Holland.—(*Archives*, III, pp. 428-431.) In the following year French colonists settled in Maryland.—(*Archives*, *ibid.*, p. 465.) In 1663-4 "a patent of denization was granted to J. Sicks, late of England, a subject of the Royal Empire of Germany."—(*Archives*, III, p. 489.)

other, when directed to do so by some alleged divine internal illumination. These people under their leaders, Peter Sluyter and Jasper Dankers, came to Maryland in 1684 and obtained from Augustine Herman—the wealthy Bohemian, and naturalized Marylander—the gift of a large tract of valuable land on Bohemia Manor. This grant was made to them at the earnest solicitation of Herman's son Ephraim, a weak-minded youth, who had fallen under the influence of Sluyter. The latter gradually absorbed the interests of the other Labadists, eventually obtaining possession of the whole property. Sluyter appears to have been tyrannical, crafty, mercenary, hard towards others, indulgent to himself, using his followers as dupes and tools. Ephraim Herman joined the Labadists, but later on he became disillusioned and left the community; some time after he lost his mind. After the death of Sluyter in 1722 the dissolution of the community commenced, and in five years not a vestige of it remained. Forty-three years had elapsed from the coming of the Labadists into Maryland until the time of their final extinction. It is not positively known how these people were regarded by the Maryland settlers, but they evidently prospered in their adopted home and were partakers of the toleration and protection that was extended to all.<sup>1</sup>

<sup>1</sup> *History of Cecil County*, by George Johnston, chapter ix (Elkton, 1881). *The Labadists of Bohemia Manor*, by

Of those who planted colonies in the new world Lord Baltimore was the first Englishman to take thought for the original inhabitants of the land. A reservation was proposed of about eight or ten thousand acres, to be called Calverton Manor, and the Proprietor appointed the Surveyor-General to be its steward. This was done in accordance with the desire of several Indian nations to put themselves under the Proprietor's protection, which he declares "may be a means not only to bring them to civility but also to Christianity, and may consequently be as well an addition of comfort and strength to the English inhabitants, as a safety and protection to those Indians . . . who are willing to submit to our government. We esteem ourselves bound in honor and conscience to allow them according to their desire, some place of habitation there. . ." <sup>1</sup>

It will not be without interest to observe how negro slaves were treated by the colonists of Maryland under Lord Baltimore's government. The Catholic Proprietary himself tells us in his answer to the Lords in 1676: ". . . Whereas, in many other parts of America, they refuse (out of covetousness) to permit their negroes and mulattoes to be baptised out of an opinion that baptism is a manumission from their services, and conse-

Geo. A. Leakin, *Md. Hist. Magazine*, Dec. 1906; *J. H. U. Studies*, 17th Series, 277-312; *Journal of J. Dankers and P. Sluyter*.

<sup>1</sup> *Archives*, I, pp. 330-31.

quently the same thing as to the damage of the masters and owners, as if their servants were actually dead—and this opinion beginning to take place in this Province, a law was made to encourage the baptising of them, by which it was and is declared, that as in former times, the baptizing of villaines in England was not taken by the law of England to be a manumission or infranchising of the villaines, so neither shall it be in this province as to negroes and mulattoes; and there have been found good effects from this law, all masters, generally, since the making of this law, having been willing to instruct those kinds of servants in the faith of Christ, and to bring them to desire and receive baptism.”<sup>1</sup>

After 1692 under the Episcopalian régime these unfortunate people seem to have been treated

<sup>1</sup> *Archives*, v, p. 267.

“Whereas, several of the good people of this Province have been discouraged to import into or purchase any negroes or other slaves, and such as have imported or purchased any such have to the great displeasure of Almighty God and the prejudice of the souls of those poor people, neglected to instruct them in the Christian faith, or to endure or permit them to receive the holy sacrament of Baptism for the remission of their sins, upon a mistaken and ungrounded apprehension that by becoming Christians they and the issue of their bodies are actually manumitted, and made free and discharged from their servitude and bondage, be it enacted . . . that where any negro or negro slave being in bondage, . . . shall become Christian . . . and shall receive the sacrament of Baptism . . . the same shall not be . . . construed into a manumission, . . . etc.”—(*Archives*, II, p. 272).

fairly well; some of the ministers and the congregations evidently taking an interest in their souls, though to others they appear to have been objects of indifference.<sup>1</sup>

<sup>1</sup> "There is one thing tho', in which we must confess we are blameworthy, both pastors and people, in that greater care is not taken about the instruction of the negroes. It cannot be denied but that they are part of our cure, and that we shall be accountable to God for the discharge of our duty to them. But on the other side it cannot be expected that we should become schoolmasters and tutors to them any more than to others." (Masters are exhorted to instruct them.)—*Perry Papers*, p. 292.—Sermon of Rev. John Lang, Commissary, (1730).

"... Many of them (Negroes) I have baptised and instructed in the principles of the Christian Religion, but most have refused instruction." ... (Tibbs, *Balto, Co.*, 1724.)

"... Some that understand English come duly to Church, where means of instruction are held." (Donaldson, *St. Mary's and Charles Co.*, 1724.)

"... Free liberty from their masters to attend Divine Service and other means of instruction. ... Forty baptised in one year. ... " (Pr. Geo. Co., 1724.)

"... Slaves' Masters are pressed to instruct them, and allow liberty to attend service and other means of instruction; several have been baptised." (Calvert Co., 1724.)

"... Some are instructed by their masters and mistresses, and 4 have been baptised in my time." (Anne Arundel, 1724, 150 families in Parish.)

"... I have baptised a great many. ... They frequent my churches ordinarily, and say their Catechism." (Pr. Geo. Co., 1724.)

"... There are several negroes and mulattoes. ... Their masters are instructed to instruct them in the Christian Religion, and several are baptized, and frequent the Church." (Portobacco, 1724.)

It has been often asserted that Jews were excluded from the Land of Sanctuary. It is true, indeed, that the Act of 1649, which as we have seen was a compromise between the liberal Catholic policy in force during the first fifteen years of the colony's existence, and the Puritan intolerance which then began to exhibit its power in the province, did exclude Unitarians and Jews. There is nothing, however, to show that the Catholics of Maryland ever manifested any desire to exclude the people of any religion. There is on record no

"... Some Negroes are baptized after instruction in the Catechism. . . ." (Somerset, 1724.)

"... There are some negroes in my parish. . . . Some whereof are capable of instruction, some are not." (Talbot, 1724), etc.—(*Perry Papers*, pp. 190-224.)

"Mr. Fletcher said that his parishioners were generally so brutish that they would not suffer their Negroes to be instructed, catechized, or baptized."

"Mr. Wye says his people are generally disposed to have their negroes instructed."

"Mr. Thompson says he finds his people generally remiss in this regard."

"Mr. Airey finds his people 'inclinable to have their Negroes instructed but they will not be at the pains and trouble of it.'"

"Mr. Manadier finds his people remiss and neglectful on this point."

"Mr. Nichols says when exhorting his people to instruct their negroes, 'the best answer he can get from the best people is that they are very sorry, and lament they cannot comply with it.'"

"Mr. Cox's parishioners allow Negro instruction to be a good thing, 'but they generally excuse themselves as thinking it impracticable.'"—(*Perry Papers*, pp. 304-305.)

instance prior to 1649 of any Jew having asked for admission to the colony, and of having been refused. Judging from the line of conduct toward all who sought a haven of refuge in Maryland, there is good reason to suppose that to the Jew, as well as to the Episcopalian and Puritan, the Catholics of Lord Baltimore's province would have extended a welcome if any had applied.

In 1658, before the Puritans had surrendered the government to Lord Baltimore, a Jew comes into unfortunate prominence. Jacob, alias John Lumbrozo, was accused of blasphemy. The circumstances of this accusation are so interesting that we shall give them in full. It is a notable fact, that his two principal accusers were the Quakers, Richard Preston and Josias Cole, who seem, indeed, to have drawn Lumbrozo out and on to his own undoing by artful questioning, and with carefully concealed purpose. 'At a Provincial Court held at St. Mary's on Wednesday, 23rd of February, 1658, . . . was called before the board Jacob Lumbrozo, and charged with uttering words of blasphemy against our Blessed Saviour Jesus Christ. John Fossett, the first witness, deposed that half a year before, at Richard Preston's house, he had spoken with Lumbrozo, concerning Our Saviour, saying the resurrection proved He was more than man, as did also His miracles. To the first Lumbrozo answered that His disciples stole him away, and to the second, that the miracles



might be done by sorcery.' The testimony of Preston, the Quaker, is interesting, exhibiting as it does, the subtle methods and devious ways, by which Lumbrozo was entangled to the end that he might be brought within the pale of the law of 1649. 'Richard Preston did testify that about June or July last coming from Thomas Thomas's in company with Josias Cole and the Jew doctor, known by the name of Jacob Lumbrozo, Josias Cole asked Lumbrozo whether the Jews did look for a Messias? And Lumbrozo answered, yes. Then Cole asked him how did He (our Saviour) do all his miracles? And Lumbrozo answered that he did them by the magic art. Then Cole asked him, how His disciples did do the same miracles? And Lumbrozo answered, He taught them His art.' In his defence 'Lumbrozo saith that he had some talk with those persons, and willed by them to declare his opinion, and by his profession a Jew, he answered to some particular demands they urged, and as to that of miracles done by magic he cited Moses and the magicians of Egypt. But said not anything scoffingly, or in derogation of him Christians acknowledged for their Messias.' Lumbrozo was ordered to appear at the next Provincial Court to 'make answer to what shall be laid to his charge.'<sup>1</sup> But a few days after this preliminary trial, Richard Cromwell was pro-

<sup>1</sup> Provincial Court Records, 1658-62, pp. 454-457.

claimed in Maryland, and the doctor was included in the general pardon accompanying the proclamation.

In the following March, as we have seen, Lord Baltimore regained the government of his province. Notwithstanding the law of 1649, the Catholic Proprietary gave the full rights of citizenship to Lumbrozo,<sup>1</sup> and furthermore granted him the privilege to trade.<sup>2</sup> No objection at this time or afterwards seems to have been made by the colonists; and in 1664 we find Lumbrozo acting on a jury.<sup>3</sup>

It is a striking coincidence that in the very year that Lord Baltimore, despite the disabling law of 1649, granted the rights of citizenship to Lumbrozo, Rhode Island passed an ordinance excluding Catholics and Jews, by virtue of which the Superior Court of that Province in 1762 disallowed the petition of two Jews who asked to be admitted as citizens, declaring that their admission was "wholly inconsistent with the first principles upon which the colony was founded."<sup>4</sup>

Thus we see how in Maryland the Catholic tolerated all, while the Puritan, when the opportunity was at hand, excluded Catholics, Episcopalians, and all others who did not agree with him.

<sup>1</sup> *Archives*, III, p. 488 with reference, p. 470.

<sup>2</sup> *Ibid.*, p. 526.

<sup>3</sup> *Archives*, IV, p. 521.

<sup>4</sup> Justin Winsor, *Nar. and Crit. Hist.* III, p. 379; Arnold, *Hist. of Rhode Island*, pp. 492-495.

The Quaker, too, when occasion offered invoked the severity of the law against the Jew, in whose behalf the Catholic Proprietary waived the rigor of the Act of 1649 by a grant of lands and full citizenship. Only the Catholic in Catholic Maryland found no friend when intolerance assailed him.

## CHAPTER XII.

From all that we have seen, it can now be asserted without question that to Maryland belongs the credit of having been the first government in the world in modern times to successfully establish religious freedom. Let it be remembered that the Catholic Baltimores and the early Maryland settlers were the first since the Reformation to see the necessity of the establishment of a government on the broad moral principle "that faith is an act of the will and that to force men to profess what they do not believe is contrary to the law of God, and to generate faith by force is morally impossible." <sup>1</sup>

"Lord Baltimore," says Bancroft, "was the first in the history of the Christian world to seek for religious security and peace by the practice of justice and not by the exercise of power;" <sup>2</sup> to plan the establishment of popular institutions with the enjoyment of liberty of conscience. The asylum of Catholics was the remote spot where in a remote corner of the world on the banks of rivers which as yet had hardly been explored, the mild forbearance of a Proprietary

<sup>1</sup> Manning, *Vatican Decrees in their Bearing on Civil Allegiance*, p. 92.

<sup>2</sup> Cfr. Constantine, pp. 7-10.

adopted religious freedom as the basis of the state. . . . Roman Catholics oppressed by the laws of England, were sure to find a peaceful asylum in the quiet waters of the Chesapeake and there, too, Protestants were sheltered against Protestant intolerance.”<sup>1</sup> “The province was established on the broad foundation of security to property and of freedom in religion. Christianity was established without allowing pre-eminence to any particular sect. Calvert’s liberal policy rendered a Roman Catholic colony an asylum for those who were driven from New England by the persecutions which were there experienced from the Protestants.”<sup>2</sup> Says Davis: “The earliest policy of Maryland was in striking contrast with that of every other colony. The toleration which prevailed from the first, and fifteen years later was formally ratified by the voice of the people, must therefore be regarded as the living embodiment of a great idea.”<sup>3</sup> “The disfranchised friends of prelacy from Massachusetts and the Puritans from Virginia, were welcomed to equal liberty of conscience and political rights in the Roman Catholic province of Maryland.”<sup>4</sup> “Mankind beheld a new scene, in Massachusetts the Puritans abridging the rights of various sects, and

<sup>1</sup> Bancroft, 10th ed. pp. 244, 248.

<sup>2</sup> Allen’s *Amer. Biog. Dict.*, p. 187.

<sup>3</sup> *Day-Star*, p. 64.

<sup>4</sup> Bancroft, 10th ed., p. 257.

the Church of England in Virginia actuated by the same spirit, harassing those who dissented from them in religion, while the Roman Catholics of Maryland tolerated and protected the professors of all denominations.”<sup>1</sup> “With a policy,” says Rev. Dr. Hawks, “the wisdom of which was the more remarkable, as it was far in advance of the spirit of the age, Lord Baltimore laid the foundation of his province on the broad basis of freedom of property. Christianity, as a part of the old Common Law of England was established by the Proprietary.”<sup>2</sup> “While all other governments,” says Burnap, “established one form of religion, and persecuted all others, the Maryland colony . . . allowed all sects to worship God after the dictates of their own consciences. . . The Maryland colony was composed at the outset of both Catholics and Protestants, the Catholics being in the majority. We cannot suppose that with an ordinary share of prudence, the Protestants would have trusted themselves in the hands of Catholics without some previous understanding as to the rights of conscience and the liberty of enjoying unmolested their own religion. Sufficient proofs have come down to us, that this was the case. If so, the Maryland colony has the honor of taking the lead in the cause of religious freedom, and of

<sup>1</sup> D. Ramsey, *Hist. of the U. S.*, p. 116.

<sup>2</sup> Rev. F. L. Hawks, *Rise and Progress of the P. E. Church in Maryland*, p. 24.

being the first community in modern times, in which the civil was effectively separated from the ecclesiastical power.”<sup>1</sup> We know, in fact, that religious toleration and freedom of worship were promised the first colonists by Lord Baltimore before they set sail for Maryland, and that “soon after the planting of the Province these conditions by the unanimous consent of all concerned were passed into a law.”<sup>2</sup>

Advocates have not been wanting who claim for other colonies the distinction of being the first to establish religious liberty. Rhode Island especially has been put forward as a rival of Maryland. But a careful review of the facts shows conclusively that Maryland was the first where practical religious freedom prevailed, and vindicates her right to the title “The Land of Sanctuary.” Rhode Island had a law of religious toleration from the beginning (1636) which in its wording was very broad but, in fact, was limited. The franchise was granted “to such as the major part of us shall admit into fellowship with us.”<sup>3</sup> “While the charter of Rhode Island,” says Arnold, “and the action of the colony uniformly secured to all people perfect religious freedom, it did not confer

<sup>1</sup> Burnap, *Life of Leonard Calvert*, pp. 15, 171.

<sup>2</sup> *Archives*, v, pp. 267-8. It is Dr. Browne's opinion that this law was passed by the First Assembly, the records of which are lost.—Preface to Council Proceedings, 1667-87.

<sup>3</sup> J. D. Knowles, *Memoir of Roger Williams*, p. 112.

civil privileges, as a part of that right upon any one, and such only were entitled to these whom the freemen saw fit to admit.”<sup>1</sup>

<sup>1</sup> S. G. Arnold, *History of Rhode Island*, II, p. 495.

Speaking of Roger Williams' Deed: "The language of the Deed in its granting clause is—'That I, R. W. do freely and fully pass, grant, and make over equal right and power of enjoying and disposing the same grounds and lands (purchased of Canonicus and Miantonomi, including those upon the Patuxent) unto my loving friends and neighbors (designating them by their initials) and such others as the major part of us shall admit into the same fellowship of vote with us.'" (*Rd. Id.*, I. B. Richman, I, p. 89.)

Richman (vol. I, p. 95) says also, in allusion to Williams' letter to Winthrop: "He (Williams) submits for the criticism of Winthrop, his correspondent, a form of compact, which, although never formally adopted, was acted upon, and may be regarded as the first written constitution of the settlement. It is as follows: 'We, whose names are hereunder written, late inhabitants of the Massachusetts (upon occasion of some difference of conscience) being permitted to depart from the limits of the Patent under which we came over into these parts and being cast by the God of Heaven remote from others of our countrymen amongst the barbarians in this town of New Providence, do with free and joint consent, promise each unto other that, for our common peace and welfare (until we hear further of the King's royal pleasure concerning ourselves) we will from time to time subject ourselves, in active or passive obedience, to such orders or agreements as shall be made by the greater number of the present householders, and such as shall hereafter be admitted by their consent into the same privilege and covenant in our ordinary meeting.'"

"The new regime inaugurated by Williams . . . was equality among the ruling class; it was not democratic in the inclusive sense of later times."—(Richman, I, p. 96-9).



What would be thought of a religious freedom to-day, which denied the franchise. From the beginning, all freemen, in Maryland, had this right. "Two years before the founding of Rhode Island, the Catholics of the Chesapeake, had emancipated the human conscience, built an asylum for the distressed, and laid the foundation of a new State."<sup>1</sup>

Writing in reference to the increase of the population of Rhode Island, Greene remarks: "In estimating the population, we must bear in mind that not every inhabitant was a freeman, nor every resident a legal inhabitant. A probationary residence was required before the second step was

"Solvency," says Dorr (quoted by Richman, I, p. 91), "has at all times held the same place in Rhode Island which Puritan orthodoxy once held in Massachusetts."

"The judge together with the Elders (should) rule and govern according to the general rule of the word of God,' but 'when they (had) no particuar rule from God's word' by the specific direction of the body politic, at which 'all cases, actions and rules, which (had) passed through (the) hands (of the judge and Elders),' were 'to be scanned by the word of Christ.' And 'if by the Body, or any of them, the Lord (should) be pleased to dispense light to the contrary of what by the Judge and Elders (had) been determined formerly, then and there it (should) be repealed as the act of the Body.'"—(Richman, I, p. 119. R. I. Colonial Records, vol. I, pp. 63-64. Cfr. *As To Roger Williams*.—Henry Martyn Dexter, p. 91.)

"It may be said also that for the most of the Rhode Island men themselves, the principle of religious toleration was at first too broad."—(Cobb, p. 439).

<sup>1</sup> Ridpath, *History of the U. S.*, p. 219.

reached and the resident became an inhabitant with certain rights to the common lands, the right of sitting on the jury, and of being chosen to some of the lower offices. This, also was a period of probation, and it was only after it had been passed to the satisfaction of the freemen, that the name of the new candidate could be proposed in town meeting for full citizenship. Even then he had to wait for a second meeting before he could be admitted to all the rights and distinctions of that honorable grade.”<sup>1</sup>

Contrary to the charter of the province the Rhode Island Assembly of 1663, in which sat Williams, disfranchised Catholics and all non-Christians.<sup>2</sup> “It enacted that all men of competent

<sup>1</sup>*Short History of Rhode Island*, p. 36.

Greene, p. 14, says: “The wife of Joshua Verin was a great admirer of Roger Williams’ preaching, and claimed the right of going to hear him oftener than suited the wishes of her husband. Did she, in following the dictates of her conscience, which bade her go to a meeting which harmonized with her feelings, violate the injunction of Scripture which bids wives obey their husbands? Or did he in exercising his acknowledged control as a husband, trench upon her right of conscience in religious concerns? It was a delicate question but after long deliberation and many prayers, the claims of conscience prevailed, and ‘it was agreed that Joshua Verin upon breach of a covenant for the restraining of the liberty of conscience shall be withheld from the liberty of voting till he shall declare the contrary’ a sentence from which it appears that the right of suffrage was regarded a conceded privilege, not a natural right.”

<sup>2</sup>Dexter, *As to Roger Williams*, p. 102.

estates, and of civil conversation, Roman Catholics only excepted, shall be admitted freemen, or may choose or be chosen colonial officers. What an abundant reflection does this ordinance afford to the wise. Nothing is assuredly more incongruous than for a corporation created with special powers, to endeavor by its own act, to acquire privileges inconsistent with the Patent which gave it existence. Yet that law plainly designed as its great charter, is manifestly repugnant to the grant. By it 'none were at any time thereafter to be molested for any differences in matters of religion.' Nevertheless, a persecution was immediately commenced against the Roman Catholics, who were deprived of their rights of citizens, and of the liberties of Englishmen, though they might have pleaded their chartered privileges; and had the ordinance before mentioned been insisted on, they might have justly contended that the Assembly could not make a regulation contrary to the royal act which gave it existence."<sup>1</sup>

An effort has been made to show that the law

<sup>1</sup> Chalmers, *Annals*, p. 276.

Of the Digests of 1783, Greene, p. 256, says: "Into the Digests, when or how nobody could tell, the phrases 'Roman Catholic excepted' and 'professing Christianity' had been interpolated in direct violation of the Royal Charter. Neither under Charles nor under James could this have been done." Chalmers says, "The Act before mentioned excluding Roman Catholics was carefully concealed."—(*Ibid.*, p. 284).

was inoperative. It was, however, afterwards in 1762 rigidly interpreted and enforced in regard to the Jews by the Superior Court of the State. This court dismissed the petition of two Jews who asked for rights of citizenship, as "wholly inconsistent with the first principles upon which the colony was founded." Mr. Charles Deane, an apologist of Rhode Island, defends this judgment, and the law, by asserting that it does not relate to religious liberty but to the franchise, that it restricts the latter, but insures the former. It is difficult to see how depriving a man of his civic rights on account of his religion can be construed into a grant of religious liberty.<sup>1</sup>

Towards the end of the 17th century 'a party of unfortunate Huguenots had established themselves in Rhode Island forming a little settlement of their own, and paying honestly for their lands.' "But the French name was not loved in the colonies and their Protestant neighbors persecuted them away."<sup>2</sup> It is significant that there were no Catholics in the colony until the time of the Revolution,<sup>3</sup> although many sought refuge in Maryland even under the Episcopal régime, despite the disabilities against Catholics. In 1680,

<sup>1</sup> Mr. Deane also defends the policy of the Rhode Island colony in discriminating against Catholics.—(*Nar. and Crit. Hist. of Amer.*, ed. by Justin Winsor, III, p. 379-380.

<sup>2</sup> Greene, p. 107.

<sup>3</sup> Cobb, p. 438.

Governor Sanford writes, "as for Papists, we know of none among us."<sup>1</sup> Roger Williams himself was personally very bitter against the Catholics, and altogether intolerant of the Quakers.<sup>2</sup> Cotton Mather in 1695 declared that in Rhode Island there was everybody "but Roman Catholics, and true Christians."

In examining the question of priority between Maryland and Rhode Island, we should not consider merely the liberal wording of charters or ordinances. Words do not constitute liberties, and notwithstanding the liberal charter of Rhode Island we have seen how illiberal was its interpretation. In Maryland, though there is on record no written law prior to 1649, we know that the practice and custom of the colony from the very beginning was of the most tolerant nature. A written document does not give liberty; nor does the absence of such a document prove the lack of it. If religious toleration was a law of the land without a written ordinance, surely this was more genuine than a crippled liberty in practise, no matter how broad might be the terms of the written law.

If the indulgent reader will leisurely parallel the respective claims of Maryland and Rhode Island, he will readily perceive that the palm of priority in

<sup>1</sup> Arnold, I, p. 490; Chalmers, *Annals*, 284.

<sup>2</sup> Knowles, pp. 310, 384; Cobb, p. 216; Dexter, *ibid.*, p. 95.

establishing freedom of conscience belongs to the settlement of Baltimore.<sup>1</sup>

<sup>1</sup> MARYLAND.

In 1632-33, at the latest, Baltimore promised religious liberty to prospective colonists.—(*Archives*, v, pp. 267-68; Johnson, *Foundation of Maryland*, pp. 23-31.)

In 1633 he instructed his brother to secure peace through toleration. Baltimore's Charter made him the law-giver with the consent of the colonists. His first law contained in this letter to his brother was a law of toleration.—(*Calvert Papers*, I, p. 132.)

There was a proclamation after landing to this effect or a law of the First Assembly, the records of which are lost.—(See pp. 126-127.)

All freemen, Protestants and Catholics enjoyed the franchise and sat in the Assembly from the beginning.—(See Charter, sec. VII, Appendix C; *Archives*, I, pp. 1-23.)

1637. In the first Assembly whose records have come down to us, all freemen were not only allowed, but compelled by law to be present or be represented.—(*Archives*, I, pp. 1-23.)

## RHODE ISLAND.

In 1636, from the first settlement of Rhode Island, religious freedom was supposed to be allowed, but the franchise was limited.—(Richman, I, p. 98; Knowles, p. 112; Dexter, p. 92; Arnold, I, p. 102; *Id.*, II, p. 495. See pp. 279-82.)

No Catholic ventured to test its genuineness.—(See pp. 284-285.)

It may not be uninteresting to the reader to scan the religious conditions in other colonies during

## MARYLAND.

In 1638-42 all religious discussions which tended to produce discord were promptly and severely punished.—(*Ibid.*, IV, p. 35. See pp. 125-128.)

In 1649 the Assembly passed a law embodying in a measure the principles, which had, in fact, governed the colony from the beginning.—(*Ibid.*, I, p. 244.)

As early as 1663 Lord Baltimore showed himself more liberal than his charter and the Act of 1649, by granting citizenship and even the privilege to trade (1665) to Jacob Lumbrozo, a Jew.—(*Ibid.*, III, pp. 488-526.)

The Lords Baltimore were men of generous, liberal, and noble views. George Calvert had established religious toleration in Newfoundland in 1627.—(See p. 42.)

## RHODE ISLAND.

In 1663 Rhode Island, despite its Charter, disfranchised all Catholics and non-Christians.—(Justin Winsor, *Narrative and Critical Hist. of America*, III, p. 379.)

The authenticity of this law has been disputed by writers favorable to Rhode Island (Arnold, Deane, Cobb), but it was five times formally reenacted and remained a law till 1783.—(Winsor, III, p. 379.)

Moreover, the Superior Court considered it genuine in 1762 when it decided that the Constitution of Williams did not allow citizenship to Jews.—(*Ibid.*, pp. 379-80.)

Roger Williams was naturally narrow and bigoted, but his character had been broadened by the persecution he had suffered. He never acquired the breadth of view possessed by the Catholic Baltimores.—(Dexter, pp. 92, 95, 97-100.)

Cfr. *Religious Liberty in Maryland and Rhode Island*, Rev. L. Johnston; *Maryland or Rhode Island, Which was First*, R. H. Clarke, in the *American Catholic Quarterly Review*, 1845, pp. 289-312.

this period prior to the American Revolution. The Charter of Pennsylvania seems to be of the most liberal character, but the first Colonial Assembly in 1682, enacted the "Great Law, or Body of Laws" in which (34) it was required that all officials should be Christians, and (35) that no one believing in God should be molested on religious grounds.<sup>1</sup> In 1693 under William and Mary, a test oath designed to discriminate against Catholics, Jews and Unitarians was made obligatory for all office-holders. Penn strenuously opposed this law, and (1700) restored the law of 1682, but the Queen in Council annulled his action (1702) and so Pennsylvania remained under this system of intolerance until the Revolution.<sup>2</sup> Like Rhode Island and Catholic Maryland, Pennsylvania never had an established Church.<sup>3</sup> There never was any actual persecution of Catholics in Pennsylvania; St. Joseph's Church, in Philadelphia, was the only place in the thirteen colonies where Mass was publicly allowed during the period immediately prior to the Revolution.<sup>4</sup> In 1776 Pennsylvania adopted a toleration similar to that of Maryland under Catholic rule.<sup>5</sup> Religious liberty

<sup>1</sup> Cobb, p. 442.

<sup>2</sup> *Ibid.*, pp. 445-47.

<sup>3</sup> *Ibid.*, p. 449.

<sup>4</sup> *Ibid.*, p. 450, quoting Stillé.

<sup>5</sup> *Ibid.*, p. 503.



such as obtained in Catholic Maryland was granted in New Jersey in 1698,<sup>1</sup> and in Maryland, under Episcopalian rule, not till 1775. Religious freedom was established in Virginia in 1798; in South Carolina in 1790; in Vermont in 1807; in Connecticut in 1818; in New Hampshire in 1819; in Delaware in 1831; and in Massachusetts in 1833; New Jersey granted toleration to all creeds in 1776, but reserved offices for Protestants.<sup>2</sup> In New York absolute religious toleration had been granted by the Catholic King James in 1674,<sup>3</sup> but the Church of England was established in 1686;<sup>4</sup> and in 1777 all but Catholics obtained religious freedom. Later legislatures removed all disabilities.<sup>5</sup>

“Of all the religious legislation in the Colonies,” says the author of *The Rise of Religious Liberty in America*, “none was more absurd than that against Roman Catholics. It was so needless as to be ridiculous.”<sup>6</sup>

<sup>1</sup> *Ibid.*, p. 402.

<sup>2</sup> *Ibid.*, pp. 503-517.

<sup>3</sup> *Ibid.*, p. 328; *U. S. Cath. Hist. Soc.*, Oct. 1906, p. 34.

<sup>4</sup> *Ibid.*, p. 334.

<sup>5</sup> *Ibid.*, p. 502.

<sup>6</sup> *Ibid.*, p. 451.

## CHAPTER XIII.

Cecilius, Lord Baltimore, was the first to establish a colony where religious liberty was accorded to all. The fact being well established, his detractors have assailed his motives, viewing them through the distorting lenses of prejudice, bigotry, injustice and resentment. All the generosity of the noble purpose, the high-souled daring of the splendid achievement, the heroic tragedy of patient endurance and sacrifice, are warped and twisted, dimmed and tarnished in the medium of the minds of those who seem incapable of reaching even in imagination, to those altitudes of thought, feeling, desire, and intention, where Lord Baltimore lived and planned and suffered. What then were the motives of the first Proprietary? To define the principles which inspire any man's actions must always be a difficult and a delicate task. It is seldom, indeed, that any one cause is responsible for such an act as that under consideration. Human deeds, generally speaking, proceed from a complexity of views and designs; for while one predominates, we usually find numerous subsidiary ones which add weight to the governing idea, or seem to detract from it, and influence, more or less, the execution and accomplishment of the end



Cecil ~ Calvert



desired. Sometimes the leading purpose, colored by circumstances, seems to become secondary, or for the time being, appears even to be lost sight of beneath the accretions of other plans and aims, but it would be rash to argue from this that either it has disappeared from view, or that it is non-existent. When the man whose heart we would read, has lived in a different age, and under conditions which it is difficult for us to appreciate, or to reproduce even in fancy, when the only means of reaching the hidden springs of his life's accomplishment are unfortunately a few scattered letters and defaced documents, too often obscured in their real meaning by wrong interpretations, or distorted by prejudice,—then to define with assurance any *one* motive as the principal end and chief design of a line of conduct extending over a number of years, is to say the least an undertaking presenting more than ordinary difficulties. It has been often said that to form a correct judgment of any individual we must place ourselves in his surroundings, and, as far as our personal inclinations, peculiarities, temperament, and possible antagonism will permit, must assume for the time being, the life and character of him we would judge. Not alone the conditions, political, social and religious, which are likely to broaden or narrow his subject's horizon of the world's doings must be borne in mind by the critic, but to as great an extent as possible, must be accounted for the

antecedents and inborn instincts which point out a man's personal view of events, circumstanced as he was. Hence it is necessary for one who proposes to speak of the impelling causes of another's actions, that he should be, at least, in sympathy with his subject. While all this would lead to a not unreliable conclusion as to the determining principles of a man's life, it might not give the ruling purpose at an especial time, and under the stress of some particular set of circumstances. For we can conceive a man dominated by a noble ideal, who finding himself embarrassed in a political, religious, or pecuniary way, would in order to remove the obstacles in his path, so give his attention to one side of the question, as to seem for a time to have forgotten the higher aim and intent with which he began. Such are the difficulties attending a consideration of the motives of the Lords Baltimore.

Most of the writers upon the subject, have taken the view that George and Cecilus Calvert were influenced by a single idea. In most cases this idea was predicated upon the preconceptions of the author, and colored with his prejudice. Hence the extreme theories we are met with; some contending that Cecilus Calvert set out with the design of establishing an imperfectly defined religious Utopia; others holding that he was compelled by political considerations to allow freedom of worship; while many maintain that his own pecuniary

advantage was the mainspring of his actions. While none of these reasons contains the whole truth, each one may yet include a portion of it.

George Calvert was a sincere and unwavering Catholic. A man who publicly professes his faith in the face of the intolerant attitude of his day, who resigns the highest positions of trust and honor as incompatible with his religious professions, who perseveres in that faith in spite of the persecutions to which he is subjected, must be given the credit for honest and deep conviction. That his faith was more to him than earthly emolument is evidenced by his resignation, from conscientious motives, of one of the highest offices in the kingdom, and by his subsequent set purpose of remaining out of the religious and political turmoil of his day. His son, Cecilius, did not relinquish such high offices as were held by his father; yet, no doubt, he would have freed himself from innumerable vexatious intrigues, and his worldly prospects would have been immensely enhanced, had he sacrificed his faith for worldly considerations. The Catholic faith was dearer to George and Cecilius Calvert than any thing else in the world; at least, no prospective honors, wealth, or preferment, weaned them from their allegiance to the Church whose devoted sons they ever remained. Their religion, it must be conceded, was the predominant note in their life, the determining influence of their actions, for the sake of it they

both proved their willingness to sacrifice all things else. Let it ever be remembered that they lived in an age of fierce religious passions, in an age when avaricious motives were too often cloaked under the guise of religion, in an age when all was surrendered by some for a vindictive attachment to peculiar religious tenets, or when their faith was formally relinquished by others for worldly honors, power, and riches, in an age, in fine, when religion could not be a matter of indifference, and a perfunctory adherence to any belief was well-nigh impossible. In such an age, the Lords Baltimore exhibited a large-minded Catholic charity, which judged none, and excluded none from the rights and privileges which they asked for themselves. True unto God, they did unto others, indeed, as they would that others should do unto them. Let him, then, who cannot comprehend such exalted principles of conduct, refrain from judging the motives of the founders of Maryland.

The Charter sets forth that Cecilius Calvert, "treading in the steps of his father, being animated with a laudable, and pious zeal for extending the Christian religion" proposes to transport a numerous colony to Maryland.<sup>1</sup> It is true that words of similar tenor are found in most of the Charters of that time, but what in the

<sup>1</sup> Cfr. Appendix C.



mouth of others might be merely the formalism, or cant expression of the day, meant infinitely more to men who had sacrificed worldly preferment, and security in honor and wealth, from a conscientious motive of their duty to God. Even those who may not agree with their belief, or who would deprecate George Calvert's change of faith, must readily concede, that both father and son were sincere in their religious profession. This granted, it should not be difficult to see that they who were animated by such an exalted sense of their duty to God, could quite naturally be influenced by the same motive in their subsequent actions and plans.

During this period of English History, Catholics enjoyed little security of person or of property. George Calvert realized that the best guarantee of safety for Catholics was to be found in returning to the provisions of Magna Charta, which safeguarded the security of person and property, and which had been ruthlessly down-trodden by the Protestant Reformation under the Tudors, and continued to be ignored by their successors. It was further evident to George and Cecilius Calvert that where there is acrimonious, and often unreasoning, disagreement and dissension in religion, these two great principles cannot be sustained without freedom of conscience. Seeing their fellow-Catholics so straitened by persecution at home, it was but natural for men of such generous

character to seek a means of providing a refuge for themselves and their brethren in the faith. They had learned through experience that liberty of conscience was necessary to conserve security of person and of property. They desired, therefore, to secure this boon for their co-religionists. With freedom of worship, life and property were protected, without it, as events proved, both life and property were at the mercy of intolerance. The main purpose of the Lords Baltimore in founding Maryland was without doubt a religious one.<sup>1</sup>

<sup>1</sup>“Lord Baltimore having obtained a grant of the Province of Maryland, sent over his brother with several Roman Catholic gentlemen and other adventurers to the number of two hundred, and many Roman Catholics transported themselves to avoid the penal laws made against them in England, and Maryland has been a place of refuge.”—(Salmon’s *Modern History*, quote in *Upper House Journal*, Manuscript folio, 1758. Maryland Historical Society. See Appendix Q.)

“This gentleman (George Calvert) being of the Romanish religion was uneasy at home, and had the same reason to leave the kingdom as those gentlemen had, who went to New England, to enjoy the liberty of his conscience. He, therefore, resolved to retire to America, and finding the Newfoundland company had made no use of their grant, he thought of this place for his retreat.”—(Oldmixon, I, pp. 4-5.)

“Maryland at the vast charge and by the unwearied industry of Lord Baltimore was at first planted, and has since been supplied with people and other necessities so effectually that in the present year, 1671, the number of English amounts to fifteen or twenty thousand for whose encouragement there is a fundamental law there whereby liberty of conscience is allowed to all who profess to be-

Cecilius, the founder of Maryland, was imbued with the same ideas which actuated his father. In judging a man's purposes it is but fair to let him speak for himself. There is an "Account of Cecil Calvert, Baron of Baltimore, which he faithfully compiled from the reports scattered through England by travellers who had sought their fortunes in the New World."<sup>1</sup> In this it is said: "the most illustrious Baron has already determined to lead a colony into those parts: *first*, and especially, in order that he may carry thither and to the neighboring places, whither it has been ascertained that no knowledge of the true God has as yet penetrated, the light of the Gospel and the Truth; *then*, also with this intent, that all the associates

lieve in Jesus Christ so no man that is a Christian is in danger of being disturbed for his religion."—(Ogilby, quoted by the Upper House of Md. Assembly, 1758. Maryland Historical Society. See Appendix Q.)

"Upon a new royal regulation in Virginia, several families went over from England to settle there; amongst those was Lord Baltimore, a rigid Roman Catholic; for the advantage of a more free exercise of his religion, he retired thither."—(*Douglass's Summary*, 1760; quoted in *Upper House Journal*, Manuscript folio. 1758.)

"His Lordship (George Calvert) was a Catholic, and had formed his design of making this settlement, in order to enjoy a liberty of conscience, which, though the Government of England was by no means disposed to deny him; yet the rigor of the laws threatened in a great measure to deprive him of—the severity, of which it was not in the power of the court to relax."—(Wynne's *History of America*, quoted by Scharf, I, p. 152.)

<sup>1</sup> Maryland Hist. Soc., *Fund. Pub.* No. 7, p. 53.

of his travels and toils may be invited to a share in the gain and honor, and the empire of the King be more widely extended. For this purpose, he is seeking with all speed and diligence, for men to accompany him on this voyage, both such as intend to try their fortunes with him, and others also. . . . The first and most important design of the most illustrious Baron, which ought to be the aim of the rest, who go in the same ship, is not to think so much of planting fruits and trees in a land so fruitful, as of sowing the seeds of religion and piety. Surely a design worthy of Christians, worthy of *Angels*, worthy of Englishmen. . . . Who then can doubt that by one such glorious work as this, many thousands of souls will be brought to Christ? I call the work of aiding and saving souls glorious, for it was the work of Christ, the king of Glory. For the rest, since all men have not such enthusiastic souls and noble minds, as to think of nothing but Divine things, and to consider nothing but heavenly things; because most men are more in love, as it were, with pleasures, honors, and riches (than with the glory of Christ) it was ordained by some hidden influence, or rather by the manifest (and) wonderful wisdom of God, that this one enterprise should offer to men every kind of inducement and reward.”<sup>1</sup>

Cecilius in his “Letter of Instructions” to his brother Leonard at the first setting out of the

<sup>1</sup> Md. Hist. Soc., *Fund Pub.* No. 7, pp. 44-48.

little band of colonists, again gives a religious motive as his ruling purpose in establishing Maryland. He ordains: "That when they had made choice of the place where they intended to settle themselves, and when they have brought their men ashore with all their provisions, they do assemble all the people together in a fit and decent manner, and then cause his Majesty's letters patent to be publicly read by his Lordship's Secretary . . . and afterwards, his Lordship's commission to them, and that either the Governor or one of the Commissioners presently after makes some short declaration to the people of his Lordship's intentions which he means to pursue in this his intended plantation, which are: first, the honor of God, by endeavoring the conversion of the savages to Christianity; second, the augmentation of his Majesty's empire and dominions in those parts of the world, by reducing them under the subjection of his Crown; and thirdly, for the good of such of his countrymen as are willing to adventure their fortunes and themselves in it, by endeavoring all he can, to assist them, that they may reap the fruits of their charges and labours according to the hopefulness of the thing, with as much freedom, and comfort and encouragement as they can desire; and withal to assure them that his Lordship's affection and zeal is so great to the advancement of this plantation, and consequently of their good, that he will employ all his endeavors in it, and that he

would not have failed to come himself in person along with them this first year, to have been partaker with them in the honor of the first voyage thither, but by reason of some unexpected accidents he found it more necessary for their good to stay in England for some time longer for the better establishment of his and their right.”<sup>1</sup>

This purpose is made even clearer in the answer of his son and successor Charles to the Committee of Trades and Plantations in 1676. He says: “At the first planting of this Province by my father, albeit he had an absolute liberty given to him and his heirs, to carry thither any persons out of England who should be found willing to go thither, yet when he came to make use of this liberty, he found very few who were inclined to go and seat themselves in those parts, but such as for some reason or other could not live at ease in other places; *and of these a great part were such as could not conform in all particulars to the several laws of England relating to religion.*”<sup>2</sup> Many there were of this sort of people who declared their willingness to go and plant themselves in this Province so they might have a general toleration settled there by a law by which all sorts who professed Christianity in general, might be at liberty to worship God in such a manner as was most agreeable with their respective judgements and consciences, with-

<sup>1</sup> *Calvert Papers*, I, pp. 136-7.

<sup>2</sup> Italics the author's.

out being subject to any penalties whatsoever for their so doing, provided the civil peace were preserved; and that for the securing the civil peace and preventing all heats and feuds which were generally observed to happen amongst such as differ in opinions, upon occasion of reproachful nick-names and of reflecting upon each others opinions, it might by the same law be made penal to give any offence in that kind. These were the conditions proposed by such as were willing to go and be the first planters of this Province. Without complying with these conditions in all probability, this Province had never been planted. To these conditions my father agreed, and, accordingly, soon after the first planting of this Province these conditions by the unanimous consent of all who were concerned, were passed into a law; and the inhabitants of this Province have found such effects from this law, and from the strict observance of it, as well in relation to their quiet as in relation to the further peopling of this Province, that they look upon it as that whereon alone depends the preservation of their peace, their properties and their liberties. This being the true state of the case of this Province, it is easy to judge what consequences might ensue upon any scrutinies which should be made in order to the satisfying these particular inquiries.”<sup>1</sup>

<sup>1</sup> *Archives*, Council Proceedings, 1667-87, pp. 267-268.

“Lord Baltimore, who was one of the Roman Catholic

For fourteen years before the death of his father, Charles had been his representative as Governor of the Province, and no one was more likely to be thoroughly conversant with his father's purposes and designs. At the same time it must be remembered that Charles made this statement to men whose hostility he had reason to suspect and fear. He desired to persuade them not to demand this religious census, because it would occasion dissension among the colonists. It would have been most unwise of him to have said that his father intended to offer a refuge for the persecuted Catholics. To have made such a bald statement before the Commission would have defeated his desire of remaining unmolested. Yet the statement is truly, but tactfully, expressed in his declaration. For who were those of the Colonists "who could not conform in all particulars to the several laws of England relating to religion?" Evidently the Catholics.

Gifted as he was with a more than common fore-

religion, had obtained the grant to be an asylum to himself and those of his persuasion from the persecutions of the times. The first plantation consisting of about two hundred colonists, were sent thither in 1633, chiefly, if not wholly, Roman Catholics, many of them gentlemen of fortune; and, like the Protestants of New England, their settlement was founded upon a strong desire for the unmolested practice of their own religion."—(*Modern Universal History*, London: 1780, quoted by Scharf, *History of Maryland*, I, p. 153.



sight and prudence, we should hardly expect Cecilius to launch such an enterprise without ascertaining as far as possible the cost of the project. Nowhere, indeed, do we find evidence that he either considered himself or posed for others, as a philanthropist eager to divest himself of his wealth, nor was he, in fact, sufficiently wealthy to contemplate the eccentricity of entering into a business venture without a thought concerning the capital invested, any more than he was in a position to indulge in colony-planting as a luxury pure and simple. He was a man of lofty soul, but eminently practical. He can neither be considered a dreamer of dreams nor a grasping "company-promoter." To have started his project with some view to the financial gain that might accrue, should not argue against his having had a higher purpose, and an overruling one at that, if the proof is in evidence. Lord Baltimore was not unmindful of the difficulties and impediments, the hazards and peril, in bringing together men of different religious beliefs in those days of intense religious intolerance. To a man of narrower mind, the idea of religious liberty, at that period, would have seemed the surest way to effect the shipwreck of his colony. If therefore with a large-minded trust in the sense of equity and generosity of human nature, he adopted that policy, expecting his colony to succeed, he deserves not censure but honor. Other founders of colonies, who had preceded him,

were, to say the least, not less desirous than he to reap a reward from their ventures, but bigotry and narrow-mindedness prevented them from taking a similar attitude in their governments.

The founders of Maryland were sagacious enough in an age of intolerance to see that liberty of conscience was the most Christian, and at the same time—as far as their own personal interests were concerned—the safest policy to adopt for their new colony. George Calvert had for a long period been interested in colonization schemes. It is reasonable to suppose that he desired, both before and after he became a Catholic to found a colony from which he and his posterity should derive some financial benefit. “It is to the glory of Lord Baltimore and of the Province,” says Brantly, “that from the first perfect freedom of Christian worship was guaranteed to all; that this magnanimity was the truest wisdom and resulted in populating the Province, there have not been wanting those who declare that it was not magnanimity at all but only enlightened self-interest.”<sup>1</sup> Self-interest has been assigned, indeed, as the leading motive of Lord Baltimore in establishing religious liberty.<sup>2</sup> “Religious toleration must be at-

<sup>1</sup> Brantly in *Nar. and Crit. Hist. of America*, by Justin Winsor, v, p. 524. Cfr. Wilhelm, p. 12.

<sup>2</sup> Doyle, *English Colonies in America*, p. 6; Bowen, *Days of Makemie*, p. 24; Mayer, *Calvert and Penn*, p. 24; Bozman, II, p. 193; Neill, *Terra Mariae*, p. 60; Hughes, *Hist. of S. J. in N. America*, passim.

tributed to the very common-place law of self-interest," says Lodge, "and that this theory is the correct one the subsequent history of the colony proves."<sup>1</sup> It is lamentable to find this spirit of narrowness still existing in our day. Rip Van Winkle-like, it rises up with arms and dress a century old, to meet the just claims of Lord Baltimore and the early settlers. The noble Founder of Maryland was generous in defraying the expenses of his colony, and not a single incident can be advanced to show that Cecilius ever put the welfare of his province in jeopardy for his own self-interest. History proves, in fact, that he guarded its interests when the colonists themselves little suspected dangers which he, in touch with English affairs, too often plainly realized.

It has been observed that the Charter of Maryland was monarchical rather than democratic. This was not only consistent with the religious purposes of Lord Baltimore, but as things then were in England, was necessary for the fulfillment of his plan. He provided that Maryland should be as free as possible from the power of the King, and at the same time, that all authority should be centered in the Proprietary. In so doing he guarded his province against the caprices of royalty in England, and at the same time, against any possible bigotry of the settlers in the colony. It

<sup>1</sup>Lodge, *English Colonies in America*, p. 97.

rested with him to yield or not, to the wishes of his colonists, according to the ability they manifested for self-government, and he had it in his power at any moment to check the least tendency towards intolerance. The one-man power which the Charter created was essential to the development of the plan of religious toleration he intended to inaugurate. Lord Baltimore in becoming an absolute ruler was in a position to establish the most liberal democracy. We know, in fact, that Cecilius surrendered his prerogatives to initiate legislation, when his settlers proved themselves capable of making their own laws. We know, too, how in the most trying period of his colony's existence he protected his fellow-Catholics from intolerance, while on the other hand he resisted even his former devoted friends, the Jesuits, when an attempt was made not indeed to practice intolerance towards non-Catholics (this was never thought of) but to derogate even in the smallest degree by privileges and exemptions from the plan of equality to all and favor to none, which from the beginning he had adopted for his province.<sup>1</sup>

<sup>1</sup> "His firm stand in favor of toleration, maintained with consistency and impartiality for forty years against Jesuit and Puritan alike, seems to indicate something more than a bitter and wily policy which uses the cloak of tolerance to protect a single creed. In a word the only probable explanation of his policy seems to be found in that policy. It was toleration chiefly for the sake of toleration."—(Petrie's *Church and State*, p. 30.)

In carrying out this plan the first Lord Baltimore lost heavily in his initial venture in Newfoundland. He was urged by the King to give over such enterprises and was promised such employment as would be more congenial to one of his station and habit of life. He persevered, nevertheless, in his purpose. Cecilius, his son, undeterred by his father's failure and losses, devoted almost all his remaining fortune to the same noble purpose, and for eight years, at least, scarcely received any return for his outlay.<sup>1</sup> His colonists, as we have seen, sensible of his generous expenditure voluntarily voted him a subsidy of tobacco (15 lbs. per poll) in appreciation of his 'great charge and care for their interests.'<sup>2</sup> When Charles, the son of Cecilius, having been Governor of Maryland for fourteen years, left the colony for England after his father's death,—the people of the Province, ap-

<sup>1</sup> "There is nothing more certain than that his Lordship and his Lordship's ancestors of ever noble and happy memory, have with the hazard of their lives, buried a vast estate in the first subduement and since continued settlement of this province . . . to a far greater value than the profits of this province do (or are like to do) or amount unto; nor is anything more apparent than if his Lordship's interests in America were to be disposed of, that there's none would give (considering the charge of government) the tenth part of what they cost."—(*Archives*, XIII, pp. 152-3.) See Appendix I.—Agreement between Lord Baltimore and the Jesuit Fathers.

<sup>2</sup> Chalmers, p. 208; *Archives*, I, 123.

preciative of his solicitous care for their welfare—presented him a handsome token of their gratitude. He, while acknowledging their kindly sentiments, declined to accept the proffered gift. Such conduct on the part of George, Cecilius and Charles Calvert is not consistent with the opinion that their chief purpose, their principal design in the colonization of Maryland, was mercenary.

To assert that the course of Cecilius was the most politic he could have pursued argues not against his main motives. He was in touch with the political conditions of his day, and as far as consistency would permit, adjusted his conduct to them. It is clear that his dearest desire and first consideration was for the success of his colony. Whatever change took place in the government at home, his instant thought was for the welfare of his Province, over which he watched with the solicitude of a father. He has been condemned for not taking a more prominent stand in the political agitation of the day. But why, it may be asked should he put the peace of his distant province in jeopardy by taking a prominent part in the political intrigues of the time? He steered his course as best to subserve the peace and prosperity of Maryland as a Land of Sanctuary. When, therefore, we reflect upon the life and character of George and Cecilius Calvert, taking into consideration that which was dearest to them—their religion—when we call to mind the condition of Catho-

lies in England and the evident intention of the father and son to establish a refuge for Catholics especially, and for all others, where they might no longer be the victims of religious bigotry, we are forced to the conclusion that the inspiration, and the leading motives of the Lords Baltimore in founding the Maryland colony were religious.

## CHAPTER XIV.

Was Maryland a Catholic colony? The question has often been discussed and in order to answer it fairly, an explanation of the terms will be necessary. Maryland, as we have seen, was founded by a Catholic Proprietary. The funds were contributed by Catholics, and Catholics were in control of the government, but, unlike those in similar position in the other colonies, they conferred full citizenship upon all others, even the poor Protestants, who had been unable to defray their expenses to Maryland. Whether the Catholics in the colony surpassed in numbers the Protestants after the first settlement and up to 1648 is not certain, but it is more probable that they did. Thus the design was Catholic, and Catholics developed the original plan, by laws, regulations and customs. To the Protestants were accorded all the advantages of the system set on foot by the intelligence and wealth of the Catholics, while the labor and industry of both Protestants and Catholics, contributed to its development.<sup>1</sup> The glory of Mary-

<sup>1</sup>One of the leading men of the Province who had originally come to Maryland as a redemptioner, was Cuthbert Fenwick. In the documents of the time he is recorded as Cuthbert Fenwick, Gent. Two of his descendants became Catholic bishops of Boston and Cincinnati respectively.



land is derived from its generous custom of religious toleration, which was Catholic in its origin and maintenance. Hence it is difficult to comprehend upon what grounds Maryland could possibly be considered a Protestant colony. When intolerant it was Protestant, and it was Protestant inasmuch as Protestants were beneficiaries of Catholic liberality, which they requited for the most part with ingratitude. In every other sense it was Catholic.

On this subject Mr. Gladstone has placed himself in a false position by not consulting the standard writers of American history, and by relying too implicitly upon authors such as Neill and Allen.<sup>1</sup> Mr. Gladstone says: "I have already shown from Bancroft's History, that in the case of Maryland there was no question of a merciful use of power towards others."<sup>2</sup> Bancroft says in fact, that "Christianity as professed by the Church of England was protected; but the patronage and avowsons of churches were invested in the Proprietary; and as there was not an English statute on religion in which America was especially named, silence left room for the settlement of religious affairs by the colony. Nor was Baltimore obliged to obtain the royal assent to his ap-

<sup>1</sup> Gladstone's *Rome and the Newest Fashions in Religion*, Preface, xi-xii—Allen, pp. 12-13; *Maryland; Not A Roman Catholic Colony*, Neill, p. 7.

<sup>2</sup> Gladstone, *ibid.*, Preface viii. For full discussion of Gladstone's objections, see Appendix P.

pointments of officers, nor to the legislation of his Province, nor even to make a communication of the one or the other. . . . English statutes were not held to bind the colonies unless they especially named them; the clause which in the Charter of Virginia excluded from the colony 'all persons suspected to affect the superstitions of the Church of Rome' found no place in the Charter of Maryland, while allegiance was held to be due, there was no requirement of the oath of supremacy. Toleration grew up in the Province silently as a custom of the land."<sup>1</sup> "To foster industry, to promote unity, to cherish religious peace, these were the honest purposes of Lord Baltimore during his long supremacy."<sup>2</sup> "The administration of Lord Baltimore was marked by conciliation and humanity."<sup>3</sup> "Maryland at that day was unsurpassed for happiness and liberty. Conscience was without restraint; a mild and liberal proprietary conceded every measure which the welfare of the colony demanded."<sup>4</sup> "Its history is the history of benevolence, gratitude and toleration."<sup>5</sup> Even supposing the charter guaranteed protection to the Anglican Church, it did not give such countenance to the Puritans, Quakers

<sup>1</sup> Bancroft, Centenary ed. I, pp. 182-186.

<sup>2</sup> *Ibid.*, p. 438.

<sup>3</sup> *Ibid.*, p. 437.

<sup>4</sup> *Ibid.*, p. 252, 10th ed.

<sup>5</sup> *Ibid.*, p. 248, 10th ed.

and Jews. By securing religious liberty to all, Lord Baltimore showed himself more generous than the Charter itself according to its most Protestant interpretation.

Cecilius Calvert died in 1675. For more than forty years he had been the guide of Maryland's destinies; as long as he was in control, religious liberty was the law. "It was his constant maxim which he studiously inculcated, that by concord a small colony may grow into a great and renowned nation; but that by dissension, mighty and glorious kingdoms have declined and fallen into nothing."<sup>1</sup> Having with matchless toil and patience, with silent endurance and open daring, brought into existence his poor, weak little province overseas, he lived to see it wax and grow strong, to behold its infant energies increase, its powers expand, its government unfold and widen, to see it triumph over political hostility and religious fanaticism, over the treachery of trusted friend and unrelenting enemy, to witness, above all, his Maryland become in deed and truth, the "Land of Sanctuary." This was the dear fulfillment of his heart's desire, the consummation longed for in maturity, and cherished when the fires of life burned low.

"The slight notice which the policy of Lord Baltimore has received from the philosophic economists

<sup>1</sup> Grahame, II, p. 35.

of liberal institutions attests the capricious distribution of fame, and has been probably occasioned by dislike of his religious tenets, which it was feared would share the commendation bestowed on their votary.”<sup>1</sup>

“It is amusing at this day” (1780), says Chalmers, “to observe how differently the reputations of the fathers of Maryland and Pennsylvania have been transmitted to posterity. Baltimore is utterly forgotten and unknown to fame, while Pen is celebrated as the wisest of legislators equal to Lycurgus or Solon. The assemblies of Maryland, however, have always spoken ‘with gratitude of the unwearied care of the former, in preserving their lives and liberties; and of his vast expense in improving their estates.’ On the other hand, the Assembly of Pennsylvania has complained with *grief of the latter*, ‘for undermining his own foundations, and by a subtle contrivance, laid deeper than the capacities of some could fathom, finding a way to lay aside the act of settlement, to dissolve his second charter.’ The constitution established by the former, though less striking, was more solid and more durable, under which the people enjoyed great repose to the present times; though that of the latter flattered the vanities of men, it was too theoretic to be practicable, too flimsy to prove lasting, too complicated

<sup>1</sup> Grahame, II, p. 52.

to ensure harmony. What did honor to the good sense of one has conferred no celebrity on his name; what was too wild to be useful has acquired the other the praise of philosophers.”<sup>1</sup>

The discreet annalist calls Cecilius Calvert the “Father of Maryland” and speaks of “the many blessings poured on that colony by his unwearied care.” And again he says, “On his tombstone ought to be engraven: ‘that while fanaticism deluged the empire, he refused his assent to the repeal of a law, which in the true spirit of Christianity, gave liberty of conscience to all.’”<sup>2</sup>

Dr. Wm. Hand Browne writes: “Every engine had been brought to bear against him: fraud, misrepresentation, religious animosities and force; and each for a time succeeded. He owed his triumph to neither violence, fraud, nor intrigue, but to the justice of his cause, and his wisdom, constancy, and patience.”<sup>3</sup> “Such testimony,” says Mr. Clayton C. Hall, “uniformly borne by all who have studied the subject impartially, and written upon it in the judicial spirit of historical investi-

<sup>1</sup> He further says of Penn: “A man of great depth of understanding, attended by equal dissimulation; of extreme interestedness accompanied with insatiable ambition.”—pp. 654, 635.

“Judging of the interestedness of Lord Baltimore, by his own feelings, he supposed that this nobleman had extended his province beyond his true limits.”—(*Id.*, p. 640.)

<sup>2</sup> *Id.*, p. 353.

<sup>3</sup> Browne, *Maryland*, p. 89.

gation, may be accepted as conclusive evidence of the high character of Cecilius Calvert, second Lord Baltimore and first Proprietary of Maryland. . .

. . . Cecilius seems never to have lost courage, and under all circumstances he bore himself with wisdom, patience, forbearance and tact, and by these qualities he triumphed in the end. His own interests and his own authority he carefully guarded; but at the same time he as carefully sought the welfare of the Province and of the people who were in a sense his subjects; and when concessions seemed reasonably demanded he knew how and when to yield, and so exercised a much less autocratic power than was conferred by the terms of the charter from which his authority was derived.”<sup>1</sup>

“The character of Cecilius, the founder of Maryland,” writes McMahon, “has come down to us, identified in his acts, and in the language of historians, ‘with religious liberty and respect for the rights of the people.’ ”<sup>2</sup>

The historian of the Protestant Episcopal Church in Maryland, says: “He had carried out in good faith, the principle which he professed on the subject of religion. . . . To one conversant with the history of the times, and therefore but too familiar with many a bloody enactment, elsewhere made, by which persecution was elevated

<sup>1</sup> Hall, pp. 61, 65.

<sup>2</sup> McMahon, p. 221.

into piety, it is refreshing to find in the bosom of a little colony scarce known by name even to the nations of the old world the blessed influence of a holier principle, proving its goodness by its effects, and presenting a picture from which the legislators of ancient empires might have caught a lesson of wisdom, and learned, if not to condemn the wickedness of persecution, at least to avoid its folly. . . . The benevolent spirit of his Lordship, however, was so much in advance of the received opinions of that day, that there were good men by whom it was neither understood nor appreciated.”<sup>1</sup>

Cecilius Calvert sought power only that he might use it in guarding and cherishing the rights and welfare of those who had committed themselves to his paternal care. His high prerogatives, his royal rights, and generous franchises, he employed not alone for his personal emolument, and increase of power, but for the interest and protection of his colonists, as a shield between them and the ‘slings and arrows of outrageous fortune.’ “Anointed with his father’s spirit, he was his illustrious father’s counterpart in all his benignant traits, and his faithful executor of the kindly plan of colonial rule. . . . To the standard of his mission—without especial regard to their particular faith, he attracted spirits of as gentle

<sup>1</sup> Hawks, Rev. F. L.—*Rise of the P. E. Church in Maryland*, pp. 27-30.

mould as his own and of mellow wisdom—and of resoluteness paramount to all the rigorous and baffling difficulties and privations of the wayfaring of the enterprise. . . . Let us seek no other clue to solve the mystery of the cherished scheme of toleration to which the early Proprietaries so earnestly held, as if an ordinance of their faith or a league with their Maker. It was the *personal merit* of these pure and enlightened intelligences, it flowed from their own motives to migration, their fervent and chastened characters.”<sup>1</sup> To few is it given to possess from earliest youth a high ideal, to toil, to live, to suffer for it, to be faithful to it through a long life filled with every care, to hold inviolate a sacred trust, and to preserve undimmed a noble aspiration. It was to this great heritage that Cecilius was born, and in these high places of life that he moved and had his being.

“The respect which is due to his memory, arises not only from the part he performed in laying the foundations of religious liberty, but also from the liberal policy he adopted, in the establishment and government of the colony in every other particular. . . . Tradition has given him the appellation of *Pater Patriae*. And the Journal of the Assembly, the proceedings of the Courts, the frequent acts of executive clemency, and the ad-

<sup>1</sup> Mayer, *Maryland Historical Pub. Annual Addresses*, II, pp. 21-22.



missions even of Protestants, are full of the strongest and most interesting testimony. As the patron of the early Catholic missions he has a claim upon our regards. Could anything have been conceived in the spirit of a more sublime charity? Singular also was the sense of justice which marked his conduct in everything relating to the aborigines. The Indians looked up to him as their Patriarch. The chiefs upon the Pascattoway, and upon other streams, were accustomed to submit their gravest questions to the decisions of his government. To them, as well as to the colonists, he was, indeed, a guardian; tempering justice with mercy in every case compatible with the principles of order, and with the great ends of civil society.”<sup>1</sup> “Never,” says Dr. Ramsay, “did a people enjoy more happiness than the people of Maryland under Cecilius, the father of the Province.”<sup>2</sup> “The administration of Maryland,” says Bancroft, “was marked by conciliation and humanity. To foster industry, to promote union, to cherish religious peace, these were the honest purposes of Lord Baltimore during his long supremacy.”<sup>3</sup> “The first ruler who established and maintained religious liberty is entitled to enduring honour in the eyes of posterity. His name is that of one of the most enlightened and magnanimous statesmen who ever founded a

<sup>1</sup> Davis, *ibid.*, pp. 164-66.

<sup>2</sup> Ramsay, *Hist. of U. S.*, I, p. 116, Phila., 1816.

<sup>3</sup> Bancroft, I, p. 437, ed. 1882.

Commonwealth.”<sup>1</sup> His was a soul gracious, benignant, tolerant, earnest, well-fitted to conceive, to labor for, to carry out the high function of his fate; and undaunted and unafraid he laid his life upon the altar-stone of sacrifice, of hard and high endeavor. Of him it has been well said: “If evil tongues of a later day have attempted in vain to sully [his name] it is because detraction, no less than death loves a shining mark.”<sup>2</sup>

George and Cecilius Calvert were more than a century in advance of their times; for it was not until the American Revolution that the broad principle of the “Land of Sanctuary” became generally accepted by the American States. It would seem that to Marylanders and to Maryland Catholics particularly, the name of Lord Baltimore should be held in sacred remembrance; yet while Massachusetts persistently, even obtrusively keeps before the world the memory of the Plymouth Pilgrims, and the very place of their landing is a sacred spot, while Pennsylvania has adorned its metropolis with a heroic monument to William Penn, and marked the place where he landed, while Rhode Island has a memorial upon

<sup>1</sup> Winsor's *Nar. and Crit. Hist. of America*, III, p. 547.

<sup>2</sup> Browne, *Maryland*, p. 17.

None of the authorities here quoted are Catholics. Rev. C. E. Smith speaks of Cecilius as “A power among his fellows . . . strong, determined, thoughtful . . . manifestly a king.”—(p. 538).

the shore of the river where Roger Williams first set foot, and Connecticut has placed in her capital the statue of Thomas Hooker, while the United States Government has erected an obelisk at Jamestown in commemoration of the first Virginians, Maryland and North Carolina of all the original colonies which have reason to honor their founders, are the only two which have failed to do so by some fitting monument. Maryland, with more reason than all other States, to venerate, to honor and extol the imperishable renown of her founder, has attained to a conspicuous eminence of disgrace, in ignoring the claims of Cecilius Calvert upon her gratitude, and remembrance. The public squares of the "Monumental City," plentifully bestrewn with testimonials to numerous second rate celebrities, has not a single statue of the "Father of Religious Liberty," not a memorial or a tablet to tell the passer-by that the soil he treads is the "Land of Sanctuary."<sup>1</sup> Not only by the Marylander, but by all Americans should the memories of the first Lords Baltimore be held in veneration, by all those who believe that it is the right of man to worship God according to his conscience, by those that abhor persecution, and love justice. In the words of a Protestant historian: "Let not the Protestant give grudgingly. Let him testify with a warm heart; and pay with

<sup>1</sup> There is a project on foot to erect a statue to Cecilius Calvert in front of the Courthouse in Baltimore.

gladness the tribute so richly due to the memory of our early forefathers. Let their deeds be enshrined in our hearts, and their names repeated in our households. Let them be canonized in the grateful regard of the American; and handed down through the lips of a living tradition to the most remote posterity. In an age of cruelty, like true men, with heroic hearts, they fought the first great battle of religious liberty. And their fame without reference to their faith, is now the inheritance, not only of Maryland, but also of America.”<sup>1</sup>

<sup>1</sup> Davis, *Day-Star*, p. 258.

## CHAPTER XV.

It had been the original intention of Cecilius, Lord Baltimore, to settle in Maryland. But either the affairs of the colony necessitated his presence in England, or the intrigues of his enemies prevented his purpose from being realized.<sup>1</sup> His son and heir, Charles, came to Maryland, and afterwards succeeded his uncle Philip Calvert as Governor in 1661.<sup>2</sup> He became Proprietor in 1675, on the death of his father, having governed the province "with a high reputation for virtue and ability."<sup>3</sup> If he was not endowed with all the higher qualities of soul that so distinguished his father—the steadfastness, and indomitable purpose of the latter—he was not wanting in those other noble and lovable attributes which endeared him to his colonists, and which contributed so materially to the welfare of the Province. From the first, his relations with the Maryland settlers were marked by consideration for their welfare on his part, and a gratitude on theirs which reflects

<sup>1</sup> *Calvert Papers*, I, p. 136; *Strafford's Letters and Despatches*, II, pp. 178-9.

<sup>2</sup> *Archives*, III, p. 439. Neill falsely asserts that Philip was illegitimate.—(*Md. not a Roman Catholic Colony*, p. 5. *Terra Mariæ*, p. 230.)—See Appendix B.

<sup>3</sup> *Chalmer's Annals*, p. 364.

credit upon their appreciation of his efforts. The Assembly, in the year 1683 'with all dutiful affection presented to His Lordship, with most humble and hearty thanks, in demonstration of their gratitude, duty and affection, and prayed his Lordship's acceptance of 100,000 lbs. of tobacco to be levied this present year.' The Proprietary 'returned his thanks for their kind tender, but considering the great charge the country had been at, did not think fit to accept thereof.'<sup>1</sup>

Meantime, there were not wanting malcontents who sought to disturb the peaceful conditions prevailing. Do what he might for the welfare of the colony, Lord Baltimore was a "Papist," and that thought to them was sufficient to excite their discontent. His tolerant administration, his care for the colonists, and the wisdom he evinced in the revision of the Laws of Maryland, should have won from the most prejudiced an unstinted admiration.<sup>2</sup>

In 1676 occurred an event of apparently little importance, and emanating from a person of insignificance, yet the consequences of which were indeed far-reaching. John Yeo, usually described as a "turbulent parson," wrote a startling letter to the Archbishop of Canterbury. His intention was to demonstrate to that prelate the neces-

<sup>1</sup> *Archives*, VII, pp. 515-16.

<sup>2</sup> *Archives*, II, p. 473, *et passim*; Assembly of June, 1676; cfr. Grahame, II, pp. 36-37.

sity of establishing the Church of England in Maryland. He gives a lurid picture of the spiritual conditions in the Colony, representing it as a "Sodom of uncleanness, and a Pest House of iniquity, where every notorious vice is committed."

"Most Reverend Father;" he writes, "please to pardon this presumption of mine in presenting to your serious view these rude and indigested lines which (with humble submission) are to acquaint Your Grace with the deplorable estate and condition of the Province of Maryland for want of an established ministry. Here are in this Province ten or twelve counties, and in them at least twenty thousand souls and but three Protestant ministers of us that are conformable to the doctrine and discipline of the Church of England. Others there are, I must confess, that run before they are sent, and pretend they are ministers of the Gospel, that never have a legal call or ordination to such an holy office; neither (indeed) are they qualified for it, for the most part such as never understood anything of learning, and yet take upon them to be dispensers of the word, and to administer the Sacrament of baptism, and sow seeds of division among the people, and no law provided for the suppression of such in this Province, so that here there is a great necessity of able and learned men, to confute the gainsayer, especially having so many professed enemies as the Popish priests and Jesuits who are encouraged

and provided for, and the Quaker takes care of, and provides for those that are speakers in their Conventicles, but no care is taken or provision made for the building up Christians in the Protestant Religion, by means whereof not only many daily fall away, either to Popery, Quakerism or fanaticism; but also the Lord's Day is profaned, Religion despised, and all notorious vices committed, so that it is become a Sodom of uncleanness and a Pest House of iniquity. I doubt not that Your Grace will take it into consideration, and do your utmost for our eternal welfare, and now is the time that Your Grace may be an instrument of a reformation amongst us with the greatest facility. Cecilius Calvert, Baron Baltimore, and absolute Proprietor of Maryland being dead, and Charles, Lord Baron of Baltimore, and our Governor, being bound for England this year (as I am informed) to receive a further confirmation of that Province from His Majesty, at which time I doubt that Your Grace may so prevail with him, as that a maintenance for a Protestant ministry, as well in this Province as in Virginia, Barbadoes, and all other His Majesty's plantations in West Indies. And then there will be some encouragement for able men to come among us, and that some person may have power to examine all such ministers as shall be admitted into any County or



Parish in which diocese and by which bishop they were ordained.”<sup>1</sup>

The writer was convinced apparently, that an assured salary for the Anglican clergy would improve the colony, little reflecting that none of the clergy who led away the Protestants to “Popery, Quakerism or fanaticism” received any salary from the government. When later on, the Anglican Church was made the established Church of Maryland, and the people of the Province were compelled to contribute to the support of the Anglican clergy, the morality of the colony, as we shall see, was in no wise improved.

One would think that such a manifestly exaggerated statement would have obtained little consideration from either prelate or peers, but sometimes, “all is grist that comes to one’s mill,” and the missive in question, was taken very seriously, both by the Lord Archbishop, who pronounced it “laudable and honest” and by those to whom he handed it.<sup>2</sup> Commenting on this letter, Chalmers says: “The sole intention of the painter [of this hideous picture] was to display to the Archbishop of Canterbury the use of a religious establishment; the laws, the execution of which was committed to the various inquests, assuredly pro-

<sup>1</sup>Letter to the Archbishop of Canterbury from John Yeo, Minister in Maryland, May 25th, 1676.—(*Archives*, v, pp. 130-132.)

<sup>2</sup>*Archives*, v, p. 137.

hibited the evils and the crimes which were so greatly deplored. And it may be safely asserted, that there existed in those days no other offences either against the municipal or Divine precepts, than generally prevail in countries ruled by the mildest of governments, where the inhabitants live widely scattered over the face of the country, and every man enjoys the shade of his own tree without molestation.”<sup>1</sup>

“Here is a most frightful picture of immorality,” says McMahan, “and the *whole grievance is the want of an established clergy; and the remedy, its establishment*. How unlike his Divine Master who did not wait for an established support to go forth in his mission of grace. ‘Having a care for the body,’ is too often all that is meant by ‘having a care for souls.’”<sup>2</sup>

“The Protestant part of the population of Maryland was less distinguished by that Christian zeal which leads men to impose sacrifices on themselves than by that ecclesiastical zeal which prompts

<sup>1</sup> *Annals*, pp. 363-64.

<sup>2</sup> McMahan, p. 215, note 38.

“This representation is as incredible as the statement that was published about twelve years afterward by the Protestant Association of Maryland, of the daily murders and persecutions incited by the Proprietary and committed by the Catholics. No reliance can be placed on the accounts that men give of the character and conduct of those whom they are preparing or longing to plunder.”—(*Ibid.*, note to p. 35.)

them to impose burdens on others; they were probably less wealthy from having been more recently established in the Province than the Catholics; and the erection of their churches was further retarded by the state of dispersion in which the inhabitants generally lived. The Protestant Episcopal pastors, like the clergy of every order, depended on the professors of their own particular tenets for support; and it is not easy to discern the soundness of the argument that assigns the liberality of other sectarians to clergymen of their own persuasion, as a reason for loading them with the additional burden of supporting the ministers of the Church of England, or the existing incompetency of these ministers to control the immoralities of their people, as a reason for endowing them with a provision that would render them independent of the discharge of their duty. This logic, however, was quite satisfactory to the primate of England, who eagerly undertook to reform the morals of the people of Maryland, by establishment and wealthy endowment to a Protestant Episcopal Church in the Province.”<sup>1</sup>

“Accordingly, the bishop of London represented to the Committee of Plantations, the deplorable state of Maryland in regard to religion; that, while the Roman Catholic priests were endowed with valuable lands, the Protestant ministers of the

<sup>1</sup> Grahame, *Hist of U. S.*, pp. 35-36.

Church of England were utterly destitute of support; whereby immorality reigned triumphant there.”<sup>1</sup> At the same time, another remarkable document against Lord Baltimore and his government was despatched to King Charles and Parliament, entitled, “A Complaint From Heaven With a Hue and a Cry, and a Petition Out of Virginia and Maryland.”<sup>2</sup> It reads like the ravings of madmen, and could certainly not be surpassed for wild incoherence, violence of denunciation, and a very insanity of extravagance.

On his arrival in England whither he went after the death of his father, Lord Baltimore found himself placed in the pillory of public opinion, and called upon to answer the charges preferred against him by cupidity and fanaticism. Thus called upon to defend himself and his colony, Baltimore presented “A paper setting forth the Present State of Religion in Maryland.” He showed how the toleration Act passed in 1649 gave religious liberty to all; that those adherents of the Church of England, who had desired ministers to come over into the province had had several sent to them; that at that time there were four ministers in Maryland, with plantations of their own, well-provided for in every way; that in every County in Maryland, there were churches and meeting-houses for the people who frequent them, and he showed

<sup>1</sup> Chalmers, p. 365.

<sup>2</sup> *Archives*, v, pp. 134-49.

the difficulties in the way of inducing the different denominations to consent to the support of a church other than their own.<sup>1</sup> This explanation was, despite its candor and justice, not received by the Committee as satisfactory, and it was still contended that Maryland should find some means to assure the support of the Anglican clergy.

In time the excitement occasioned by Yeo's letter subsided, but, in the opinion of many, this event was the entering of the wedge which resulted in the Protestant Revolution of 1689, the Church Establishment of 1702, the Catholic disfranchisement of 1718, and finally, one cause, at least, of those injustices which occasioned the downfall of Governor Eden, and the subsequent call to arms of the American Revolution.

In refutation of the calumnious reports sent out against Lord Baltimore, the prominent and more respectable of the Protestants issued the "Declaration" of May 13, 1682, in which they repudiate the misrepresentation published against the Catholic Proprietary. Professing themselves Christians "according to the liturgy of the Church of England, and Protestants against the doctrine and practice of the Church of Rome," they declare that they possess "the free and public exercise and enjoyment of their religion whatsoever it be," that they enjoy "in as full and ample manner as any of

<sup>1</sup> *Archives*, v, p. 133.

His Majesty's subjects in any part of His Majesty's dominions the general freedom and privilege in their lives, liberties and estates according to the grand privileges of Magna Charta." They further declare that his "Lordship's favors are impartially distributed, and places of honor, trust, and profit conferred on the most qualified for that purpose and service without any regard to the religion of the participants, of which generally and for the most part, it hath so happened that the Protestants have been the greatest number." <sup>1</sup>

All the enemies of Maryland seemed to regard this a propitious time for a concerted attack, the old as well as the later ones, and vulture-like, flocked together to descend upon the government of the colony to feed fat their grudges, ancient and new. Claiborne, the indomitable, unsubdued by the years, and untamed by the repeated balking of his vengeance, made at this period his final effort to reclaim Kent Island. To that end, in 1677, he addresses a letter to the King—a letter pitiful in its whining and groveling, in its assumption of the character of an unrewarded partisan of His Majesty's father 'of glorious memory,' in its utter lack of the common decencies of self-respect. He alludes to himself as "a poor old servant of Your Majesty's father and grandfather," holds up his old age and losses for commiseration, and finally

<sup>1</sup> *Archives*, v, p. 353; cfr. *Ibid.*, pp. 309-310.

concludes with "humbly prostrating himself at His Majesty's feet for speedy justice in so lamentable a case." This letter was accompanied by the whole mass of documents concerning his possession and dispossession of Kent Island, his dispute with Lord Baltimore, the depositions in the suit against Clobber, and the Declaration against the legality of Lord Baltimore's Patent, which years before had been submitted to the King's father, by Virginia, and which was probably drawn up by Claiborne himself.<sup>1</sup> Nothing ever came of this petition, the case was never re-opened, and the old claimant of Kent Island makes his exit in this humiliating manner from the scene of Maryland affairs. Speaking of this "royalist who turned Parliamentarian, Churchman who turned Puritan, King's officer who became Cromwell's Commissioner," Dr. Browne says: "While doing justice to his readiness of resource, and indomitable tenacity of purpose, one cannot but wish that he had used directer methods, that he had sailed under fewer flags, and that when hard knocks were going, he had stayed and taken his share, instead of slipping off to Virginia and leaving others to do the fighting."<sup>2</sup>

If the accession of James II raised in Lord Baltimore any hope of a power to be appealed to

<sup>1</sup> *Archives*, v, pp. 157-239.

<sup>2</sup> Browne's *Maryland*, pp. 128-9; cfr. Anderson, I, p. 491.

and relied upon, it was soon dispelled. The King was actuated solely by self-interest and was determined to make the colonies more dependent upon the Crown. Especially was he urged on by his overmastering jealousy of the royal prerogatives of the Lord Palatine of Maryland, and to effect the accomplishment of his purpose, he lent a ready ear to anything that might serve to bring about the end desired. "In the whole story of American colonization," says a Protestant writer, "there is nothing more preposterous and absurd than the outcry of lying Protestants in Maryland to a Catholic King and his readiness to listen."<sup>1</sup> In vain Lord Baltimore pleaded for the validity of his Charter, and represented that "the administration of his province had been at all times conducted conformably to it, and to the laws of England; that he had never been informed of the pleasure of his prince, but it was always obeyed; that neither he nor his father had done any act which could incur a forfeiture of the Patent which they had dearly purchased by adding considerable province to the Empire."<sup>2</sup> The King ordered the Attorney-general to issue the writ against the Charter in April, 1687.

Soon after this an Assembly was called in Maryland presided over by William Joseph. The Burgesses at this Assembly presented a number of

<sup>1</sup> Cobb, p. 383.

<sup>2</sup> Chalmers, *Annals*, p. 371.



grievances, which, says Chalmers, "were constitutionally redressed in Assembly to their heart's content."<sup>1</sup> He continues, "but neither the public felicity nor private happiness were of long continuance, notwithstanding this seeming cordiality. The cry against popery, which had been attended with such prodigious effects in England during the reigns of Charles II and his successor, was re-echoed in Maryland, where the factious made the same use of it to promote similar purposes of interest or ambition . . . No sooner were the tidings of the Revolution<sup>2</sup> told in that Province, than those latent dissensions inflamed by fresh incentives, blazed into insurrection, and those who had for some time waited impatiently for the harvest now reaped abundantly."<sup>3</sup> Almost simultaneously in various

<sup>1</sup> Chalmers, *Annals*, p. 372; *Archives*, XIII, p. 158, *et passim*.

<sup>2</sup> The Revolution which placed William and Mary on the throne.

<sup>3</sup> Chalmers, *Annals*, p. 372.

" . . . Baltimore was a man of unblemished reputation, upright, humane and just . . . his successors inherited his virtues as well as his name, and the wisdom and benevolence of the first Popish Lords of Maryland will be found to put to shame and rebuke the words and acts of many who then clamored the most loudly against popery."—(Anderson, I, p. 481.)

"The articles of grievances, exhibited by the Lower to the Upper House at the session of 1688, do not ascribe a single act of deliberate oppression or wanton exercise of power, immediately to the proprietary or his governors. They do not even insinuate the slightest danger to the

parts of the Province, rumors arose that a Catholic government, upheld by Catholics, had joined them-

Protestant religion; or impute to the Proprietary administration, a single act or intention militating against the free enjoyment and exercise of it. They were presented under the expectation of redress; and to crown the whole, the reply of the Governor and Council, in answer to their articles, was so entirely satisfactory, that the Lower House in a body, presented them their thanks for its favorable character. Here the curtain drops, and when it next rises, it presents to our view, the Proprietary dominion prostrate, the government in the hands of the crown, and administered by men hitherto unknown to it; the Assembly pouring forth its congratulations for the royal protection, and its redemption 'from the arbitrary will and pleasure of a tyrannical Popish government;' the proprietary himself formally impeached to the crown by that Assembly; his officers and agents degraded and harassed in every manner; and the Catholic inhabitants, the objects of jealousy, reproach and penalties."—(McMahon, p. 230.)

"Whatever may have been their [Cecilius and Charles] wisdom and uprightness, yet their church and religious connections were feared; as was evidenced by the fact that as long as these two held the government, that is till the Protestant Revolution in 1689 fault was found and apprehension was expressed. No man, probably, ever did less to deserve the apprehension, yet the sensitiveness of the people kept them always on the alert."—(Gambrall's *Hist. of Early Md.*, p. 74.)

"The mild and equitable rule of the Roman Catholic Lord Baltimore would have shielded the members of our Church [Anglican] as well as others, from persecution; but the mere fact that powers so vast as those conveyed under the Charter of Maryland were intrusted to a Roman Catholic Proprietor, was sufficient under any circumstances, to deter most of the members of our own

selves with the Indians for the murder of all the Protestants in Maryland. When finally run to cover these reports were proved to be without foundation, several of those who had disseminated them, were apprehended, but the alarming news continued to spread. The representatives of the Proprietary found themselves set at defiance by an intangible but seemingly ubiquitous enemy. A startling account of an Indian massacre in some remote place would reach their ears, and the officers hastening to the spot would find that nothing whatever had occurred, but the people there were in confusion and dismay having heard of some frightful outbreak of the Indians forty or fifty miles away. Continuing their march to the spot designated as the one where the outrage had been committed, the soldiers would be met with the same conditions they had left, no trace of Indians, no murders, only rumors and panic-stricken settlers, stirred up to the highest pitch of excitement and terror by tales of bloodshed by the natives and the "Papists," of burning houses, women and

communion, whether in England or in America, from selecting that Province for their abode."—(Rev. J. Anderson, *History of P. E. Church in The Colonies*, II, p. 28.)

"All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern climes is a refinement of the principle of resistance,—it is the very dissidence of dissent, and the Protestantism of the Protestant religion."—(Edmund Burke, *On Conciliation with America*, p. 466.)

children carried off. Yet never had anyone even seen a hostile Indian.<sup>1</sup> The foundations of the Proprietary government were fast giving away, and order, peace and authority were being submerged in the quicksands of discontent, fear and nervous uncertainty. The Catholics entirely innocent of the cause of all this disturbance, were amazed at finding themselves so accused, and regarded by many of their former neighbors and friends as so many cut-throats ready to assist the savage foe, whom frenzied imagination pictured lurking on the outskirts of every settlement.

Meanwhile William and Mary had been proclaimed in Virginia, and to lend color to the rumors afloat no recognition of the new order had been made in Maryland. This unfortunate accident was used to good purpose by the instigators of the conspiracy. The Catholic authorities were represented as being in revolt against the Protestant sovereign. That this delay was due to an accident is now beyond question.<sup>2</sup> Lord Baltimore had been commanded to proclaim William and Mary in his colony, and had at once given orders to that effect, but some fatality attended his instructions to his deputies in Maryland.<sup>3</sup> To re-

<sup>1</sup> *Archives*, VIII, p. 155.

<sup>2</sup> *Archives*, VIII, pp. 112-113.

The oaths of supremacy and allegiance which no Catholic could take, were changed to others.—(*Ibid.*, p. 69.)

<sup>3</sup> *Ibid.*

move the fears of the people, the officials of the government at this time renewed the annual treaty of peace with the Indians. But instead of accomplishing the end they desired, their action was taken as a confirmation of the rumors that the Catholics were in collusion with the savages, plotting to murder the Protestant settlers. Thus their best efforts to restore peace were converted by their enemies into convincing proof of their guilt. At first the better class of Protestants, took no part in this revolt, but they, in the end, threw in their lot with the rest. Men, whose interest it was to work the people into a very madness of unreasoning terror, made good use of the panic-creating words, "Papist," "Popish priest" and "Jesuit," with the result that the Protestant colonists, frantic with fear, recoiled from their Catholic fellow-settlers with fear and horror. To such a pass had things come, that on March 27, 1689, sixteen of the most influential Protestants, including Cheseldyn, the Speaker of the Burgesses, Henry Jowles, Thomas Brooks and Ninian Beall, issued a Declaration publishing "that we have made an exact scrutiny and examination into all circumstances of this pretended design, and found it to be nothing but a sleeveless fear and imagination fomented by the artifice of some ill-minded persons, who are studious, and ready to take all occasions of raising

<sup>1</sup> Chalmers, pp. 372-3.

a disturbance for their own private and malicious interest.”<sup>1</sup>

“An Association in Arms for the Defense of the Protestant Religion and for Asserting the Right of King William and Queen Mary to the Province of Maryland and all the English Dominions” was formed in April, 1689. At its head was John Coode.<sup>2</sup> It will be remembered that Fendall had been leniently treated by the Governor, Charles Calvert, in 1660. He was found intriguing again in 1681 with Coode. Fendall was banished, but Coode was acquitted.<sup>3</sup> In July, 1689, Coode, with others, seized the capital, St. Mary’s, and in explanation of this rebellion, put forth a “Declaration” ‘of his reasons.’ “It is a string of general charges without specific allegations, and ‘some quite obviously false, in which the words ‘Papist’ and ‘Jesuit’ are made to do full duty; and particularly charges a popish plot to massacre the Protestants, with the help of the Indians. And this paper was signed, not only by Coode but by Cheseldyn and others who had solemnly averred that these rumors were false and malicious. But Coode had fired their ambition.”<sup>4</sup>

<sup>1</sup> *Archives*, VIII, p. 70-96.

<sup>2</sup> Chalmers, *Annals*, p. 273.

<sup>3</sup> *Archives*, v, 281, 312, 322, 331, 334; Chalmers, *Annals*, p. 368.

<sup>4</sup> Browne’s *Maryland*, p. 151. Coode’s address, “The Declaration of the Association,” was printed at St. Mary’s by the Printer of the Province. In Virginia, as we have

The Proprietary's representatives driven to take refuge in a garrison at Mattapany, at length surrendered, August 1st, 1689, it being stipulated that the persons in the garrison, should be allowed to return to their homes but henceforth no papists should hold office in the Province.<sup>1</sup>

seen, no printing press was allowed. . . . In New England and New York there was assuredly none permitted. The other provinces were probably not more fortunate, because they did not enjoy more liberty. We may thence finally infer that Maryland under the mild government of the Proprietaries and the rational protection of the Assembly, of all the colonies, enjoyed the most genuine freedom at this era of the Revolution, notwithstanding the unfounded assertion of those who overturned the government."—(Chalmers, *Annals*, p. 384). McMahon says: "That this address was printed by Lord Baltimore's printer is a sufficient proof of the liberty of the press."—p. 226.

<sup>1</sup> *Archives*, VIII, pp. 107-198.

The names of the associators to whom Mattapany was surrendered in 1689, were John Coode, Henry Jowles, John Campbell, Kenelm Cheseldyn, Ninian Beale, Humphrey Warring, John Kurlinge and Richard Clouds. The names of the Proprietary's representatives were Wm. Joseph, Henry Darnall, Nicholas Sewall, Edward Pye and Clement Hill.—(*Archives*, VIII, p. 108). Among the adherents of Coode, was a leader among Presbyterians, Beale.—(*Early Presbyterianism in Maryland*, J. H. U. Studies, p. 32).

The Presbyterians joined in a petition for the establishment of the Anglican Church, through prejudice against the Catholics, but they very soon discovered to their sorrow how much they had lost by the change.—(*Ibid.*, p. 28.)

"The deputies of Lord Baltimore endeavored by force to oppose the designs of the Associators; but as the Catholics were afraid to justify the prevalent rumors against themselves by taking arms, and as the well-affected Protestants

Coode sent an address to the King (August 3, 1689) declaring that they had taken up arms in defense of the Protestant religion and to secure the Province to His Majesty. Of the charges which Coode and his friends brought against Lord Baltimore, Chalmers says, they were "as frivolous as they were unjust" <sup>1</sup> and, indeed, they were denied by some of the most prominent Protestants who, in consequence, were ill-treated or imprisoned by the rebels.<sup>2</sup>

showed no eagerness to support a falling authority, they were compelled to deliver up the provincial fortress, and surrender the powers of government by capitulation. The King apprised of these transactions hastened to express his approbation of them, and authorized the leaders of the insurgents to exercise in his name the power they had acquired, until he should have leisure to settle the administration of affairs on a permanent basis. Armed with this commission, Coode and a junto of his confederates, continued for three years after to conduct the government of Maryland, with a predatory tyranny, that exemplified the demerits that they had falsely imputed to the Proprietary, and produced loud and numerous complaints from persons of every religious denomination in the Province. Thus even in the midst of their own insolent triumph, the Maryland Protestants were unable to escape entirely the visitation of retributive justice."—(Grahame, II, p. 51.)

<sup>1</sup> Chalmers, *Annals*, p. 383; *Archives*, VIII, p. 108.

<sup>2</sup> On the 20th day of August Michael Taney and sixty-six others of Calvert County petitioned the King "to protect us his loyal and Protestant subjects from the usurpation of Coode and his associates."—(*Archives*, VIII, pp. 110-111). At the same time, a letter was written in French, by Mr. Bertrand to the Bishop of London, describing the events we have narrated, and inclosing a letter from



Charles Carroll writing about the same time to Lord Baltimore says: "Neither Catholic nor honest Protestant can well call his life or his estate his own, and if your Lordship (according to your wonted care and tenderness of your people) by a speedy application and true representation to his Majesty of these most inhuman actions, do not procure some orders whereby to allay their fury a little, all your friends here will be reduced to a miserable condition; for daily their cattle are killed, their horses pressed, and all the injury imaginable done to them, and to no other. Certainly Your Lordship's Charter is not such a trifle as to be annulled by the bare allegation of such profligate wretches and men of such scandalous lives, as Coode, Thurling, Jowles and such

Richard Smith and Michael Taney in which they say the revolt "is only raised to carry on the designs of some prejudiced persons whose malice, rancour and haughty humors will have no peace with any but their slaves and vassals, and because we will not comply with their humor, are confined their prisoners. . . . Considering how we have been abused by this new-taken-up power, my wife Barbara Smith, is intended to England now immediately to render her personal petition."—(*Archives*, VIII, p. 115). This letter was received in London December 16th, 1689. In his Letter to Mrs. Smith, the loyal Taney graphically describes the events that brought about his arrest and confinement, giving his address as "Charlestown in Charles County, where we are likely to remain till—"—(*Archives*, VIII, p. 121; also pp. 147 to 154.)

fools as they have poisoned by the most absurd lies that were ever invented.”<sup>1</sup>

About this time numerous petitions were forwarded to the home government, most of which were favorable to Lord Baltimore.<sup>2</sup>

<sup>1</sup> *Archives*, VIII, p. 125, 187-190-192.

<sup>2</sup> Seventeen Protestants of Kent County addressed a petition to the King in which they testify to the justice of Lord Baltimore, and the peace and happiness they enjoyed under him; adding “that we abhor and detest the falsehood and unfaithfulness of John Coode and others,” and pray that the government may again be restored to the Right Honorable Lord Baltimore.—(*Archives*, VII, p. 129). Calvert County also addressed a petition to the King signed by 104 Protestants to the same effect.—(*Ibid.*, p. 130-32.) From Talbot County an address was sent signed by 52 Protestants.—(*Ibid.*, pp. 133-4) and from Cecil County, one signed by 19 Protestants.—(*Ibid.*, pp. 134-5). Baltimore County also sent a petition signed by 21 with divers others, ‘solemnly protesting and declaring as persons guilty of sedition and the breach of the laws’ Coode and his aiders and abettors.—(*Ibid.*, pp. 136-7). The Protestants of Charles County while asking for a Protestant Government (Nov. 1689) made no complaints against Lord Baltimore or his administration.—(*Ibid.*, p. 138). The Protestants, however, of Somerset about the same time asked for a royal government, and complained against the Papists.—(*Ibid.*, p. 138). On February, 1689, the justices of Kent County, thank the King for freeing them from Popery and tyranny, and then add “we with the consent of all the rest of Your Majesty’s most loyal subjects within Your Majesty’s province of Maryland, and in a Parliamentary way, have displaced all Roman Catholics whatsoever from bearing any office civil or military within this your Majesty’s province.”—(*Ibid.*, p. 142). We have seen how much truth there was

Lord Baltimore on January 7, 1690, asked that a number of old inhabitants of Maryland—most if not all Protestants—be heard by the Lords of the Committee for Trade and Plantations, touching the charges against him by Coode and others.<sup>1</sup> On

in this declaration. In February 1690, 28 Protestants of Talbot County asked the King to take the Province under his royal protection, though without complaint against Lord Baltimore and his government. At this same time there was a petition from Calvert County signed by 10 among whom were 7 newly-installed office-holders, including Henry Jowles, and quite naturally theirs is an implied complaint against the Proprietary government. The petition forwarded by Coode, Cheseldyn and their associates, (November 28, 1689) contains, of course, a complaint against Priests, Papists and their adherents as well as this choice morsel: "As the beams of your extensive love for the Protestant interest have revived us at this distance, so they have influenced us with all alacrity and cheerfulness to demonstrate our duty and gratitude to the best of our ability, and encouraged our hopes and wishes for your Majesty's gracious answer to the repeated petitions of our fellow-subjects here to be covered by your Majesty's appointment under the wings of a Protestant government."—(*Ibid.*, p. 146.) "In Anne Arundel County, being one of the most considerable, and in which there are not five Papists, they would not choose Burgesses at Coode's command."—(*Archives*, VIII, p. 149.)

<sup>1</sup> *Archives*, VIII, p. 163.

List of Lord Baltimore's witnesses: "Col. Tailler and Mr. Abington—old inhabitants; Mr. Lillingston, a minister of the Church of England and has been many years an inhabitant; Mr. Henry Coursey, Jr., and Mrs. Smith—natives of Maryland; Mr. George Robing, an inhabitant; Mr. Samuel Groom, Captain Phillips and Captain Watts—merchants and traders in Maryland."—(*Ibid.*)

January 11th he asks for a hearing, and after being sent from post to pillar, was at last allowed to offer his proposals for a settlement of the difficulties in Maryland. These proposals of Lord Baltimore were read before the Committee, January 14th, 1690. His Lordship agreed: first, that deputies, councillors and justices, should be removed according to His Majesty's pleasure; secondly, that Mr. Henry Coursey, an Episcopalian, and old inhabitant of Maryland, be made Deputy Governor; thirdly, that a Committee of Protestants be appointed to examine the charges of Coode; fourthly, that Coode and his adherents be pardoned if the King so desires. It would be difficult to imagine anything fairer than this agreement submitted by the Proprietary for the settlement of the disorders in Maryland. But it was not so much the peace as the possession of Maryland that the King desired. Quick to see his interest, and never over-scrupulous, William the next month sent his approval of what had been done by Coode and his band of outlaws, but ordered them to await his further commands.<sup>1</sup> As there were at least twelve Protestants to one Catholic in Maryland at this time, it is impossible to believe that the charges recited by the Associators in their Declaration, could have been credited by the king; he, however, used the fabulous horrors perpetrated by the mur-

<sup>1</sup> February, 1690. *Archives*, VIII, p. 167.

derous "Papists" as a fulcrum for his policy. "William approved of a Revolution which ran before his wishes, and was so consistent with his views." <sup>2</sup> The Associators worked their will for the time they had things in their power, putting into prison the well-affected Protestants as well as the Catholics, appointing officials and officers, robbing, destroying, and marauding to their heart's content.

But the last act in this fraud of royalty had not yet been consummated. The question of appointing a governor without the consent of Lord Baltimore, was submitted to the Lord Chief Justice Holt. In his reply to Lord Camarthen, President of the Privy Council, (June 3, 1690) Holt says: "I think it had been better if an inquisition had been taken and the forfeitures committed by the Lord Baltimore had been therein found before any grant be made to a new governor, yet I think there is none, and it being in a case of necessity, I think the King may by his commission constitute a governor whose authority will be legal though he must be responsible to the Lord Baltimore for the profits. If an agreement can be made with the Lord Baltimore, it will be convenient and easy for the Governor that the King shall appoint; an inquisition may at any

<sup>1</sup> Chalmers, *Annals*, p. 374.

time be taken if the forfeiture be not pardoned, of which there is some doubt.”<sup>1</sup> Acting on this Delphic pronouncement, notwithstanding the representations of the respectable Protestants, and the protests of Lord Baltimore, the Lords in Council (August 21, 1690) ordered the Attorney-General to proceed against the Charter of Lord Baltimore, and to vacate the same.<sup>2</sup>

Sir George Treby, Attorney-General, was asked his opinion in regard to a draught for the commission to Copley; he replied (September, 1, 1690): “I understand the seizure of this government to be for necessity as being the only means of preserving the Province. The nature of the seizure is only to take the Government out of the hands that neglected and endangered it, into the King’s hands, but the laws, and customs and properties of the inhabitants are to be preserved as far as may be. I do not know whether, or how far the particulars in this draught are agreeable to the laws and manner of government which have been settled there or may be prejudicial to the interest of the inhabitants. I did draw a commission general reciting the confusion that was there, and the danger of losing the Province to the enemies, and the necessity of taking it into their Majesty’s hands, and thereupon constituting a Governor there to govern according to the laws of the place (and as

<sup>1</sup> *Archives*, VIII, pp. 186-7.

<sup>2</sup> *Ibid.*, p. 200.

the administration ought to have been by the former Governor), and to defend the province and to take and apply the public revenue to that purpose. I see no cause to depart therefrom, nor to recommend this present draught hereunto annexed, not knowing that the particulars herein contained are agreeable to the settled order of government there, or absolutely necessary for the preservation of the Province.”<sup>1</sup>

On the 20th of November 1690, eleven Protestants, one of whom was an Episcopalian clergyman, belonging to the colony of Maryland, being then in London presented a petition to the King in behalf of Lord Baltimore, in which they say: “The Declaration of the said Coode and eight more persons, which he falsely says to be that of your Majesty’s Protestant subjects of Maryland, being most notoriously false as were also the subscriptions to the addresses they presented to your Majesty, forged as your petitioners can make appear.” This was answered in the usual style by Coode and his friends, December, 22, 1690. The Lords of the Committee of Trades and Plantations having heard both parties presented their answer to the King, January 1, 1691: “We most humbly offer that the several matters in difference be referred to the examination of the Governor that

<sup>1</sup> *Archives*, VIII, p. 204.

shall be sent thither by your Majesty's directions."<sup>1</sup>

Nothing, of course could have better suited the designs of William on the colony. A draught for the commission of Copley was presented to Lord Baltimore to sign, January 3, 1691, by which he would virtually have surrendered his charter.<sup>2</sup> Lord Baltimore replied twelve days after, insisting upon his rights as contained in his Charter, but declared himself ready to appoint Protestants to the offices of Governor and Councilor and to give the command of the militia, with the custody of arms and ammunition to Protestants.<sup>3</sup> But that very day (January 15th), the King orders Holt and Treby to settle the draught "appointing Lionel Copley, Esq., to be governor of Maryland."<sup>4</sup> The Commission was, accordingly prepared by the Attorney-General, and approved by Holt.<sup>5</sup> The Commission was issued, signed by the Queen, June 27, 1691, with the approbation of the Lord Chief Justice.<sup>6</sup>

Regarding this transaction McMahon says: "These [proceedings] show conclusively that there was no sufficient reason for vacating the Charter; and that the government was resumed by the Crown upon the plea of 'political necessity' which has always been deemed the 'tyrant's argu-

<sup>1</sup> *Ibid.*, p. 229.

<sup>2</sup> *Ibid.*, p. 231.

<sup>3</sup> *Ibid.*, p. 233.

<sup>4</sup> *Ibid.*, pp. 230-1.

<sup>5</sup> *Ibid.*, p. 231.

<sup>6</sup> *Ibid.*, p. 270.



ment,'... the King found no difficulty in procuring 'a legal opinion' to cloak the arbitrary character of the proceeding. We almost blush to name *Lord Holt* as the high authority behind which the Crown entrenched itself. Even his high character as an impartial and inflexible judge, cannot shield him from the suspicion of having yielded his judgment to the royal will, in the expression of that opinion."<sup>1</sup>

Thus William, without legal warrant, deprived Lord Baltimore of his Proprietaryship and declared Maryland a royal province, with Sir Lionel Copley first Royal Governor. The Assembly even tried to deprive Lord Baltimore of his territorial rights, but the Crown dissented.<sup>2</sup>

"The prerogatives of the Proprietary, which he had exercised with unexampled attention to the rights of the people, the privileges of the Roman Catholics, which they had hitherto enjoyed under the mildest of laws, with a moderation unparalleled in the annals of the world, were overwhelmed at once by the provincial plot and buried in the same grave."<sup>3</sup> Thus religious liberty came to its end in Maryland. "It was the Revolution, which leveled the venerable trunk to the ground."<sup>4</sup>

Speaking of the period of Maryland's history thus

<sup>1</sup> McMahon, p. 242.

<sup>2</sup> *Archives*, VIII, pp. 233, 235, 288, 290, 295, 299, 433.

<sup>3</sup> Chalmers, *Annals*, p. 374.

<sup>4</sup> *Ibid.*, p. 219.

brought to a close, McMahon says: "Conspicuous, above every other colony of that period for its uniform regard of religious liberty it had its reward. Harmony, peace and prosperity were the general results; and this period in the History of Maryland may be truly styled the golden age of colonial existence."<sup>1</sup>

During the years of the Proprietary administration up to this period, the 'unwearied care,' the solicitude, generosity and justice of the Lords Baltimore, towards their colonists, as well as the appreciation of the latter, may be found mirrored forth in the successive 'Acts of Gratitude' passed by the Maryland Assembly, conferring revenues upon Cecilius and praying the acceptance of free gifts by Charles, in testimony of the benefits received and the privileges enjoyed under their beneficent government. It must be remembered, that these acknowledgments were not wrung from truckling souls or cowering spirits, but from an independent people jealous of their rights, and resenting the slightest infringement upon their prerogatives as Englishmen and freemen, men who refused to concede to Lord Baltimore, in the early days of the colony, rights that were actually secured to him by his Charter. That they should solemnly put themselves upon record as attesting to the integrity, faithfulness, and probity of the purposes

<sup>1</sup> McMahon, p. 228.

and administration of the government, and their own gratitude for the blessings received under the Proprietary's rule, is the strongest evidence that can be offered of the inherent probity of the men and the excellence of the administration. Amidst all the upheaval of the colony, and during those periods when the government was wrested from the Proprietary, we witness the sorrow of the colonists deprived of the advantages of the old régime, and see also their satisfaction and delight at its restoration.

A new era now began in Maryland, the darkest in its history. Charles Calvert, "Absolute Lord of Maryland," shorn of his proprietary rights, and deprived of all jurisdiction by violence and illegal processes, lived to endure the ingratitude of those for whose benefit he had labored so earnestly and so long; a Catholic Proprietary, he lived, also, to witness while powerless to prevent, the persecution of his fellow-Catholics in the Province founded by his Catholic father, as a land of refuge and a haven of peace. Not until after his death, and the succession of his Protestant grandson were the Proprietary's rights restored. "The true cause of the long suspension of the Proprietary's government is found in the single fact that the Proprietary was a Catholic."<sup>1</sup>

It has been said 'that the history of this Pro-

<sup>1</sup> McMahan, p. 278.

testant Revolution of 1689 has never been written,'<sup>1</sup> that the origin of those dastardly slanders against the Catholics rose as exhalations from whence no one can tell, that the sequence of events culminating in that outbreak of fanaticism and of fear are wrapped in impenetrable mystery. It now seems plain, that the history of that orgy was written in anticipation eight years before it took place, and may be read in the first trial of the miscreants Fendall and Coode, in 1681.<sup>2</sup> It is a long unbroken tale of treachery; the treachery of one man wedded to the violence of another. The account of the trial was taken by a clerk of the Provincial Council, and it makes us witness to the sowing of the seed that eight years later blossomed into the Protestant Association of plunderers, and its consequent Revolution. The renegade Governor and his villainous associate were arraigned in 1681, and as we read the proceedings, vividly do those long dead days live again, names become living personalities, and

<sup>1</sup> "The history of the Protestant revolution in 1689 has never yet been fully written. But there is evidence upon the records of the English government to show it was the result of a panic, produced by one of the most dishonorable falsehoods which has ever disgraced any religious or political party—by the story, in a few words, that the Roman Catholics had formed a conspiracy with the Indians to massacre the Protestants."—(Davis' *Day-Star*, p. 86.)

<sup>2</sup> *Archives*, v, pp. 311-332.

shadowy events of history present realities; fierce passion and simplicity, loyalty and treachery, calm dignity and grossness, all take form and clothe themselves once more in actual flesh and blood.

The insolent prisoner is brought to the Bar.<sup>1</sup> The jury is impanelled—Fendall challenging each one in turn as to his religious belief, rejecting all professing the Catholic faith—and the “Tryall” opens. Witness follows witness in quick succession, honest settlers, back-woodsmen, women too; and all with the same tale of Coode’s and Fendall’s treachery to tell. These two seem to have been everywhere, leaving the serpent’s trail over all.<sup>2</sup> To-day they are in Maryland, to-morrow in Virginia, but plotting, inciting always. We see the one-time governor and trusted friend of Calvert, with subtle cunning, stirring up the people against their Lord Proprietary whom he calls a traitor; telling them that ‘they are fools to pay him taxes’ and that ‘it is time for them to speak their minds;’ working on their cupidity with promises of great rewards, and lands a-plenty for their rebellion.<sup>3</sup> But over and above all and through all, we find him working on their fears and fiercer passions. Always we have the same refrain—white settlers cut off by Indians and

<sup>1</sup> *Ibid.*, p. 313.

<sup>2</sup> *Ibid.*, pp. 215-17.

<sup>3</sup> *Ibid.*, pp. 319 to 324.

“Papists,” ‘Indian foot-prints in the snow,’ his own great fear and terror of what is about to come upon them—that instant rising of the savages and “Papists” to murder all the Protestants in the land. Evidence is piled on evidence, new proof succeeds each proof that goes before; the intense earnestness of the witness carries conviction with it, a breathless hush,—and then—the verdict of the jury: “We find Josias Fendall guilty of speaking several seditious words without force or practice, and if the honorable Court think him guilty of the breach of the Act of Assembly we do—or else not,” and then the sentence—a fine and banishment.<sup>1</sup> The jurors in the case were all Protestants, a majority of the Court were Catholics.

Coode, the confederate of Fendall, was tried November 16, 1681. He was a member of the Lower House, and was the only minister that ever sat in the Maryland legislature. As a result of his trial he was reprimanded and gave security to appear at the meeting of the next Provincial Court.<sup>2</sup>

Thus with these two malefactors again at liberty to take up their work of infamy once more, who can marvel if eight years later their ceaseless efforts received in the Protestant Revolution, the overthrow of the government, and the blotting out of the Maryland Palatinate, the establishment of a state Church, and the end of religious liberty

<sup>1</sup> *Ibid.*, pp. 327-9.

<sup>2</sup> *Ibid.*, p. 332.

until the American Revolution—a successful termination, and a fitting crown.

The man through whose intrigues this momentous change was effected in Maryland, as we have seen was Coode. Captain John Coode, as he was styled, was a deacon and a minister of the Episcopal Church.<sup>1</sup> His later career is a remarkable one. He was elected a member of the Lower House of 1696. He had said that he had pulled down one government and might pull down another. Gov. Nicholson's vanity was touched and he refused to administer the oath of office to him on the ground that he had been in Holy Orders.<sup>2</sup> A vestryman of King and Queen Parish in 1696, he is ordered arrested for blasphemy in January of that year.<sup>3</sup> Gov. Nicholson laid charges against him, that being a vestryman he did not only cheat the parish, but likewise ran away with 15,000 lbs. of tobacco belonging to it.<sup>4</sup> We

<sup>1</sup> At the Council held at Annapolis, August 10th, 1698, witnesses swore that Coode had said: "St. Paul may be an impertinent writer as well as other men. All Religion lies in Tully's offices." "The priests of both the churches, Roman and Protestant, were rogues and that it was all one to serve God or the devil for religion is but policy." Whereupon the witness said, "Capt. Coode, I admire to hear such things from you who as I am told are in Holy Orders yourself." Coode thus replied: "Yes, I am both deacon and priest in the Church of England."—(*Archives*, xxiii, pp. 479-482.)

<sup>2</sup> *Archives*, xx, p. 515.

<sup>3</sup> *Archives*, xxiii, p. 479.

<sup>4</sup> *Archives*, xxiii, p. 451.

find the Council, February 19th, asking the Governor of Virginia (whither Coode had fled to escape justice in Maryland) to have him arrested for his "enormous crimes."<sup>1</sup> A warrant was issued for all sheriffs in Virginia to arrest Coode.<sup>2</sup> He is indicted by the Grand Jury and ordered arrested in July and again in September, 1698. Blasphemy, theft and sedition were not the only weaknesses of Coode, for on one occasion he was beaten by the governor when he "was drunk and made disturbance at Divine worship."<sup>3</sup> Sometimes eluding the officers of the law, sometimes defying them, it was found necessary to issue a proclamation to be read in all public places "commanding all and singular, his Majesty's good subjects to discover and apprehend him wheresoever found" and to offer a reward of £20 for his capture.<sup>4</sup> He was arrested at last, but upon recommendation of the Provincial Court in "*consideration of his service done on the Revolution*" the Governor and the board, October 4th, 1699, "unanimously agree that the said Coode was very serviceable to his Most Sacred Majesty and this Province upon the said Revolution" and his punishment and fine were suspended.<sup>5</sup> In 1700 he was pardoned in consideration of his former services; yet according to his own statement, Coode was actuated in bring-

<sup>1</sup> *Ibid.*, p. 35.

<sup>2</sup> *Ibid.*, p. 485.

<sup>3</sup> *Ibid.*, p. 471, xxv, pp. 5-7; xxiii, pp. 443-452.

<sup>4</sup> *Ibid.*, xxiii, p. 472.

<sup>5</sup> *Ibid.*, xxv, pp. 75-80.



ing about the Revolution by a motive of revenge towards Lord Baltimore.<sup>1</sup> Assuredly Maryland was having a taste of a new sort of justice. How different from the days of Catholic rule! An unfrocked minister condemned for blasphemy, fraud and sedition, with a price set on his head, is pardoned in consideration of his services in basely calumniating his fellow-Catholic citizens, in betraying the freedom of the colony, and converting it into a mere appanage of the Crown. Was there ever a more despicable travesty of justice!<sup>2</sup>

“From an examination of the causes and character of the Protestant revolution, it is manifest, that as far as the Proprietary was personally connected with the transactions of that period, his government had fallen without a crime. The

<sup>1</sup> *Ibid.*, VIII, p. 210; cfr. McMahon, p. 238.

<sup>2</sup> “Coode,” says Rev. Dr. Hawks, “is a striking illustration of the facility with which, in that day, vice that deserved a prison, could figure in these unfortunate colonies clad in the robes of a priest.”—(p. 63.) Chalmers calls Coode “a man of utter profligacy, openly avowing a contempt for all morality and religion.”—(p. 373). “He was,” says Meerness, “a vain, shiftless, unprincipled man.”—(p. 39). Coode received little reward for his part in this conspiracy and he felt sorely grieved at the treatment accorded him by his fellow-conspirators. Kenelm Cheseldyn fared much better. He was for a long time Commissary General, but was finally dismissed on account of drunkenness and neglect of duty.—(*Archives*, XXIII, p. 197.)

character of Charles Calvert, as displayed in his wise and virtuous administration of the province, for many years anterior to that revolution, is of itself sufficient for his vindication, against any suspicion of hostility to the civil or religious liberties of the people, predicated either upon the occurrence of the revolution, or the vague and unsupported accusations of "the Associators."<sup>1</sup>

<sup>1</sup> McMahon, p. 277.

## CHAPTER XVI.

Sir Lionel Copley, the new governor, arrived in Maryland and took the oath of office April, 1692.<sup>1</sup> The first act of the Assembly which was then summoned was one recognizing William and Mary, and thanking them, to use its own words, "for redeeming us from the arbitrary will and pleasure of a tyrannical popish government under which we have so long groaned."<sup>2</sup> An eloquent commentary on popularity is furnished by comparing this declaration with the Act of Appreciation passed eight years before by the Assembly in which many of the "groaners" took part. Their protestations of 'all imaginable gratitude,' the 'demonstrations of their gratitude, duty and affection' to his Lordship in beseeching his acceptance of one hundred thousand pounds of tobacco as 'an acknowledgment of his great love and affection for them,' will be recalled.<sup>3</sup> Since then times had changed. Their advantage lay under another guise. When we compare the contemptible conduct of this Assembly with the manly, independent bearing of the First Assemblies of the colony, we see how much the character of the representative men of the province had deterior-

<sup>1</sup> *Archives*, VIII, pp. 263-306.

<sup>2</sup> *Ibid.*, p. 315.

<sup>3</sup> *Archives*, VII, pp. 385-515.

ated. Their second act was to make the Protestant Episcopal Church the established Church of the colony.<sup>1</sup> A tax of forty lbs. of tobacco per poll was to be levied on every taxable for the maintenance of the Episcopalian Church, whose clergy about this time numbered three.<sup>2</sup> It is true, only a small proportion of the Maryland colonists belonged to the Anglican communion,<sup>3</sup> but they had the power of the Crown to enforce this injustice, and they little cared for the rights of others.

One cannot help recalling how half a century earlier the Catholic majority had granted religious liberty to all. "We may now," says Dr. Browne, "place side by side the three tolerations of Mary-

<sup>1</sup> "An Act for the Service of Almighty God and the Establishment of the Protestant religion within this Province" was passed June 2nd, 1692.—(*Archives*, XIII, 425.) "Every vestige of the old patent was swept away. The Episcopalian Church was established by law and supported by taxation. Religious toleration was abolished, and the government administered on despotic principles."—(Ridpath, p. 224.)

<sup>2</sup> *Archives*, XIII, p. 429; also XXIII, p. 81.

Taxables were defined by an act of 1699,—all male children born and resident in the province 16 years old and upwards, all male children servants imported, and all slaves 16 years old and upwards. All freemen over 16, except clergymen and the indigent.—(*Archives*, XXII, p. 515.) In 1699, another tax was allowed of 10 pounds of tobacco on all parishioners for repairs.—(*Ibid.*, p. 469.) Cfr. Hawks, *Contributions for the character of the Clergy*, pp. 71, 76, 77.

<sup>3</sup> Cfr. Browne's *Maryland*, p. 189.

land. The toleration of the Proprietaries lasted fifty years, and under it all believers in Christ were equal before the law, and all support to churches or ministers was voluntary; the Puritan toleration lasted six years, and included all but Papists, Prelatists and those who held objectionable doctrines; the Anglican toleration lasted eighty years, and had glebes and churches for the establishment, connivance for Dissenters, the Penal laws for Catholics, and for all the forty per poll.”<sup>1</sup>

“The Protestants,” says Grahame, “who thus enacted toleration to themselves, with the most impudent injustice and unchristian cruelty denied it to the men by whose toleration they had been permitted to gain an establishment in the province. Sanctioned by the authority and instructed by the example of the British government, the legislature of Maryland proceeded, by the most tyrannical persecution of the Catholics to confirm and disgrace the Protestant ascendancy. . . . Thus were the Catholics of Maryland, under the pretence of vices which none exemplified more forcibly than their persecutors, deprived of those privileges, which, for more than half a century, they had exercised with unparalleled justice and moderation. In addition to the other odious features of the treatment they experienced, there was a shameful

<sup>1</sup> Browne's *Maryland*, p. 186.

violation of national faith in suffering Protestant persecution to follow them into the asylum from its severity, which they had been encouraged to seek, and with laborious virtue had established. . . . From the still more unjust and perfidious treatment which the Catholics in Maryland beheld their brethren in Ireland undergo from Great Britain, they might derive at least the consolation of perceiving that they themselves were not delivered up to the utmost extremity of Protestant tyranny and intolerance.”<sup>1</sup>

Notwithstanding the protests of the people of St. Mary’s County, the Capital of the Province was removed from St. Mary’s to Annapolis.<sup>2</sup>

<sup>1</sup> Grahame, II, pp. 56-58. Grahame was a Protestant of Scotch descent.

“Thus,” says McMahon, “the toleration of the Protestant dissenters was fully and finally secured; and thus in a colony, which was established by Catholics, and grew up to power and happiness under the government of a Catholic, *the Catholic inhabitant was the only victim of religious intolerance.*”—P. 246.

<sup>2</sup> *Archives*, XIX, p. 78.

Annapolis, the new capital, was at a place called “Proc-tors” or “The Town Land of Severn,” or “Town of Proc-tors.” At the period of removal it was described *The Town land at Severn, where the town formerly was.* It was then made a port of entry and called *Anne Arundel Town.* At the session of Assembly, 1695, it acquired the name of the Port of Annapolis. It was not made a City until 1708.—(McMahon, p. 254.) About four or five years after it was made the capital, Oldmixon thus described it:

“There are about 40 dwellings in it, seven or eight of

As religious liberty was at an end in Maryland it was fitting, after all, that St. Mary's, its first home in the New World, should cease to be the Capital of a Province that was to be hereafter noted for its intolerance.<sup>1</sup> "It was to the interest of the new government, to destroy, as far as possible the cherished recollections which were associated with the departed Proprietary power; and there was no object so intertwined with all these recollections as this ancient city consecrated by the landing of the colonists, endeared to the natives as the first home of their fathers, and exhi-

which can afford a good lodging and accommodation for strangers. There are also a State House and a free school built of brick, which make a great show among a parcel of wooden houses, and the foundation of a church is laid, the only brick church in Maryland."—(Oldmixon, I, p. 195.) Here the Assembly held its first Session, February, 28, 1694.—(*Archives*, XIX, p. 119.)

<sup>1</sup>In 1678 St. Mary's was thus described by Charles Calvert, Lord Baltimore, in his answer to the Lords: "The principal place is called St. Mary's. There the general Assembly and provincial Court are kept and whither all ships trading there, do in the first place resort. But it can hardly be called a town, it being in length by water about five miles, and in breadth upward toward the land, not above a mile in all; which space, excepting only my own Home and the buildings wherein the said public courts and offices are kept, there are not above thirty houses and those at considerable distance from each other; and the buildings, as in other parts of the province, very mean and little, and generally after the manner of the meanest farm houses in England."—(*Archives*, v, pp. 265-66.)

biting, at every step, the monuments of that gentle and liberal administration which had called up a thriving colony out of a trackless wilderness. The Catholics of the colony dwelt principally in that section of it; and under the joint operation of these causes, it had been distinguished during all the troubles consequent upon the civil wars in England, by its unshaken attachment to the Proprietary. . . . The excitement of the moment made its claims to recollection cogent reasons for its destruction, and the public convenience came in as a sanction.”

While the intolerance of the Puritans in 1652-58 has been universally condemned, and that in unmeasured terms, attempts have been made by some to gloss over the injustice of the Episcopalians. The Puritan revolt was characterized by shrewdness in its conception, violence in its uprising, brutality in its methods of procedure, but withal it assumed, at times, an open stand-and-deliver style which saved its leaders from being despicable. The Episcopalian Revolution was specious in its motives, insidious in its attacks, and while the bar-sinister government which it established put to death none for sweet religion's sake, it was subtle in its cruelty, and its Pharisaical policy for eighty years was well calculated to extinguish the very name of Catholic in the

<sup>1</sup> McMahan, pp. 73-74.



land. Bishop Carroll, referring to this period writes: "It is surprising that there remained even so much as there was of true religion. In general, Catholics were regular and inoffensive in their conduct, such I mean as were natives of the country."<sup>1</sup> The Episcopalian rule had one redeeming feature, however, its grinding policy created a healthful discontent among the people, and furnished a just cause for the American Revolution.

In Governor Nicholson's instructions, dated March 8th, 1693, King William says: "You are to permit liberty of conscience to all."<sup>2</sup> This did not mean, of course, that the Episcopalian Church was not to be the established Church, and as such derive its support from all the inhabitants of the colony. Nor did it mean that the Catholic Church could expect any, even the least, favor. Like all others, Catholics would be obliged to contribute the 40 pounds of tobacco for every taxable in support of the Anglican clergy; yet, having cast this sop to Cerberus, they were to be left at least free from persecution.

Such appears to have been the policy of William, but the Maryland Protestants were not satisfied to leave the Catholics even so little in the "Land of Sanctuary" they had established by their

<sup>1</sup> Letter of Bishop Carroll to the Propaganda in 1790

<sup>2</sup> *Archives*, XXIII, p. 542.

wealth and care. Nothing can be more discreditable than the attitude of the Episcopalian government during this period. While William and Mary appear to have evinced an inclination to alleviate the rigor of the penal statutes in behalf of the Maryland Catholics, the Protestants in the colony persistently urged and endeavored to enforce the worst features of the English penal code.

Although the Assembly of 1692 had passed a law establishing the Church of England in the Province, it did not receive the royal sanction.<sup>1</sup> A plethora of enactments followed during the next ten years, but were annulled by the King. Thus this misshapen brood of religion was still-born. In July, 1696, an Act of Religion was passed declaring all the laws of England to be in force in Maryland. This act included, of course, the tax of 40 lbs. of tobacco on every taxable. The vestry was constituted a corporate body to receive any gift by deed or testament, verbal will, promise or otherwise, to "purchase any lands or tenements (without license of mortmain), as also any goods or chattels, and dispose of the same.

Much ado has been made by some historians because the Jesuits in the first years of the colony's existence desired to hold property as a body corporate, and the same writers have extolled the

<sup>1</sup> *Archives*, VIII, p. 435 ; *Historical Collections of the American Church*, Wm. Stevens Perry, D. D., p. 327.

conduct of Lord Baltimore in refusing to agree to such a claim. Yet the Catholics were then in a majority. When this last law of 1696, allowing the Episcopal vestry to hold lands as a corporation, was passed, this denomination was in a minority in the province.

By the same act all marriages, births, baptisms and burials (except negroes) were to be recorded by the Register of the vestry who was entitled to a fee for registering, and another for the certificate, and if any one delayed to have these formalities complied with, he was subject to a fine of 500 lbs. of tobacco. The act further provided that "if any Minister, Priest or Magistrate shall join in marriage any persons contrary to the table of marriages (as is established by the Church of England), he or they shall forfeit the sum of 5,000 lbs. of tobacco, and the parties so married shall pay the like sum."<sup>1</sup>

Even before the Assembly passed this law, which did not receive the assent of the Crown, the Catholic priests were restricted by its provisions. For in 1696, April 29th, Father Hall of St. Inigoes, was summoned to the Council to give an account of a marriage he performed. Having shown his license from Mr. Davis, the Minister of William and Mary Parish, he was dismissed.<sup>2</sup>

<sup>1</sup> *Archives*, xix, pp. 428-29-30; *Historical Collections of the American Church*, Wm. Stevens Perry, D.D., p. 29.

<sup>2</sup> *Archives*, xx, p. 402.

Both the Catholics and the Quakers opposed this law in King's Council,<sup>1</sup> and in 1699 it was on technical grounds annulled.<sup>2</sup> Thus on a technicality alone were the Catholics and Quakers saved from the severe penal laws of England.<sup>3</sup>

In 1700 and 1701 other laws of intolerance were passed by the Assembly, but they also failed to obtain the royal assent.<sup>4</sup> In 1702, Rev. Dr. Bray, founder of the "Society for the Propagation of Christian Knowledge," who had been appointed by the Bishop of London Commissary of Maryland, appeared on the scene and succeeded in drawing up a law, which received the approval of the King.<sup>5</sup> By this law the Church of England was

<sup>1</sup> *Archives*, xxv, pp. 91-93.

<sup>2</sup> It contained "a clause declaring all the laws of England to be in force in Maryland; which clause is of another nature than that which is set forth by the title in the said law."—(*Perry Papers*, pp. 29-30.)

<sup>3</sup> "For some years after the revolution, *the Quakers* were regarded by the Protestants of the established church with almost as much aversion as the Catholics. . . . In their understanding, the Protestant Church was nothing more or less than the Church of England; and like all exclusives, in the first moments of power, they acted upon the doctrine, "*He that is not with us, is against us.*" The Quakers were persecuted; and even the calmness and silence of their conventicles, where disorder itself might be softened into contemplation, could not exempt them from the appellation of unlawful assemblages."—(McMahon, p. 245.)

<sup>4</sup> *Archives*, xxiv, pp. 91-273; *Perry Papers*, p. 48.

<sup>5</sup> *Archives*, xxiv, pp. 223-4; *Perry Papers*, pp. 32, 147.

established, and remained the established Church of Maryland until the Revolution.<sup>1</sup> As in the first law of 1692, a tax of 40 lbs. of tobacco per poll was allowed for the support of the Episcopal clergy and according to the provisions of this last law, the province was divided into parishes of the Anglican Church. The growing influence of the Quakers was made clear in that all Protestant Dissenters and Quakers were allowed to affirm instead of taking the oath.<sup>2</sup> Speaking of this legislation, Rev. Dr. Hawks remarks: "Such were the provisions of the law for the support of religion; from which it will be observed that the member of the Church of Rome was not permitted to derive even the partial privilege of toleration. . . . Toleration to be consistent should be universal; and Maryland would not have presented the picture of a Province founded for the sake of religious opinion, by the toil and treasure of Roman Catholics, in which all who called themselves Christians, none save Roman Catholics were denied toleration." <sup>3</sup>

While this law of Establishment was a-making, however, the Protestants in control of the government gave evidence of their zeal, if not of their charity, in their conduct towards the Catholics.

<sup>1</sup> *Archives*, XXIV, p. 255.

<sup>2</sup> *Archives*, XXIV, p. 265.

<sup>3</sup> Rev. F. L. Hawks, *Rise and Progress of the P. E. Church in Maryland*, pp. 115-117.

By an oath prescribed, Catholic attorneys were disbarred. Robert Carville who had formerly been Attorney-General of the Province was not even allowed to continue to plead some cases he had already begun before the obnoxious law prescribing the oath was passed.<sup>1</sup>

<sup>1</sup>His letter and the answer he received illustrate the bitter animosity toward Catholics:

“To his Excellency Lionel Copley, Esq., Captain Generall, and the Honorable the Councill of their Majesties Province of Maryland:

“The humble petition of Robert Carville, Humbly sheweth. That your Petitioner hath for above these 23 years till these late Revolutions been a practiser as an Attorney in the Provincial Court of this Province and hath so demeaned himself in the said Office that he hath generally given satisfaction to the good people thereof, but by reason your petitioner cannot comply in Conscience with the oaths by the law now prescribed your petitioner is suspended from his practice aforesaid having severall old causes of great moment as well of his clients as his own particular concern still depending undetermined still in the Provincial Chancery and Commissary Courts which will all or most of them be put to a period the next Provinciall Court. Your Petitioner, therefore, humbly prays your Honours will be graciously pleased to permit your Petitioner to make an end of those his old Causes only, and so long to continue an Attorney, which otherwise may be of great loss and damage, if not ruin to him, if he must refund his fees received, or to pay other Attorneys for to finish the same.

“And Your Petitioner shall pray, &c.

“Ro: Carville.

5th. Decemb. 1692. (*Archives*, VIII, p. 17.)

“Which Petition being read and its Contents duly and maturely Considered, it is the Opinion of this Board that they give for answer thereunto that they cannot with

The Test oath of 1699, required of office-holders was particularly insulting to Catholics, but admirably served its purpose which was to exclude Catholics from official positions in the province.<sup>1</sup>

safety dispence with the Law in permitting the Petr. openly to practise in Person, but he may and hath liberty hereby given him to make use of any other Attorney to plead and prosecute for him those actions by him already commenced, and wherein he hath been employed upon such terms as he can agree, Ordered also that for the future no Roman Catholick or other person whatsoever unqualified by Law do in any manner directly or indirectly practise as an Attorney or Councillor at Law either in public Pleading or otherwise solliciting any Cause.”—(*Archives*, VIII, p. 448.)

<sup>1</sup>Test Oath: “I, A. B. do Solemnly and Sincerely in the presence of God, profess, Testify and Declare that I do believe that in the Sacrament of the Lord’s Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ att or after the Consecration thereof by any person whatsoever, And that the Invocation or Adoration of the Virgin Mary or any other Saints, and the Sacrifice of the Mass as they are now used in the Church of Rome, are Superstitious and Idolatrous. And I do solemnly, in the presence of God, profess Testify and Declare that I do make this Declaration and every part thereof in the Ordinary Sence of the words now read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation, or Mentall reservation whatsoever, and without any dispensation from any person or Authority whatsoever or without thinking that I am or can be acquitted Before God or Man, or absolved of this declaration or any part thereof although the Pope or any other person or persons or Power whatsoever should dispence with or annull the Same or declare that it was Null and Void from the Beginning.”—(*Archives*, xxv, p. 68.)

It would be difficult to show the necessity of such a harsh law for civil officers.

In 1697-98 a pestilence brought sickness and death to the homes of many of the colonists. The Catholic clergy, in a spirit of unselfishness, were untiring in their ministrations to the sick. The House of Delegates thereupon, petitioned the government to restrain the Catholic priests of Charles County from visiting the sick and the dying.<sup>1</sup>

Governor Nicholson then issued the following proclamation: "I have lately received credible information from Charles County and other parts of this His Majesty's Province, how that several Popish priests and zealous Papists make it their constant business (under pretence of visiting the sick during this time of common calamity and sickness) to seduce, delude, and persuade divers of His Majesty's good Protestant subjects to the Romish faith, by which means sundry of the inhabitants of this His Majesty's Province have been withdrawn from the Protestant religion by law established, and from the due and natural obedience they owe to his said Majesty and laws,

<sup>1</sup> The House of Delegates petitioned the Governor to issue a proclamation against the priests of Charles County who "do of their own accord in this violent and raging mortality in that county, make it their business to go up and down the county to persons houses, when dying and frantic, and endeavor to seduce and make proselytes of them, and in such condition boldly to presume to administer the Sacrament to them."—(*Archives*, xxii, p. 96.)



whereby the party so reconciled and withdrawn, as well as their procurers and counsellors, have justly incurred the penalty and forfeitures as in cases of high treason, if thereof lawfully convicted.<sup>1</sup>

It does not seem to have appeared to the Governor and his advisers that if the ministers had not forsaken their flocks, there would have been little danger from the "zealous Papists." The ministers would not, the priests must not, offer the consolations of religion to the dying.

What the ministers, however, were unable to accomplish by word and example, they were determined to do, if possible, by force of law. They petitioned the Council in 1703 to inflict some penalty on the Protestants who did not attend public worship, and "to restrain Quakers and

<sup>1</sup>Catholics were also accused of restraining Protestant servants from going to church and of converting them. "For the prevention of all such mischiefs and growing evils for the future," continues the Governor, "I have thought fit (by and with the advice and consent of His Majesty's Honorable Council and Members of the House of Delegates in Assembly now sitting) to issue this my Proclamation strictly prohibiting and forewarning all priests and Papists whatsoever to desist and forbear such their notorious and open violation of His Majesty's known laws, under pain of prosecution and suffering such penalties as by the said laws are prescribed, as also of the parties so withdrawn and reconciled to the Romish faith as aforesaid." Furthermore anyone who knows of such offenses and does not report them within 20 days is likewise punishable. This proclamation was to be read in all public places.—(*Perry Papers*, p. 24, March 29, 1698.)

Papists from seducing Her Majesty's Protestant Subjects." <sup>1</sup>

The administration of Governor Seymour (1704-1709) was especially notable for its impudent intolerance. This man, who styled himself an "English gentleman," omitted no opportunity to lord it over the inoffensive Catholic minority in the Province. By an Act of September 30, 1704, Catholics were not permitted to practise their religion, priests were forbidden to exercise their office, Catholic children were not allowed to be educated in their faith, and an open bid was made for children to rebel against Catholic parents. <sup>2</sup>

<sup>1</sup> *Archives*, xxv, p. 161.

<sup>2</sup> "Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of her Majesty's Governor, Council and Assembly of this Province, and the authority of the same,—That whatsoever Popish Bishop, priest or Jesuit shall baptize any child or children other than such who have Popish parents, or shall say Mass or exercise the function of a Popish bishop or priest within this Province, or shall endeavor to persuade any of her Majesty's liege people of this Province to embrace and be reconciled to the Church of Rome, and shall be thereof legally convicted,—shall forfeit the sum of fifty pounds sterling for every such offence, the one half thereof to our Sovereign Lady the Queen—her heirs and successors—for the support of the government of this Province,—and the other half to him or them that will sue for the same to be recovered in any Court of Record, within this Province by Bill, Plaint or Information, wherein no essoin, protection or wager of law to be allowed; and shall also suffer six months imprisonment of *his or her body or bodies without*

In regard to this last provision, Rev. Dr. Hawks remarks: "Little comment is here necessary. The enactment enforced a gross violation of the best feelings of human nature; it forbade a parent

*bail or Mainprize.* And be it further enacted by and with the advice, consent and authority aforesaid: That if any Popish bishop, priest, or Jesuit after such conviction aforesaid shall say Mass or shall exercise any other part of the office or function of a Popish bishop or priest within this Province, or if any papist or person making profession of the Popish religion, shall keep school or take upon themselves the education, government, or boarding of youth in any place within this Province, such person or persons being thereof lawfully convicted that then every such person shall upon such conviction be transported out of this Province to the Kingdom of England together with his conviction in order to his suffering such pains and penalties as are provided by the statute made in the eleventh and twelfth year of the reign of his late Majesty King William the third, entitled An Act for the further Preventing the Growth of Popery. And to the end that the Protestant children of Popish parents may not in the life-time of such their parents for want of fitting maintenance, be necessitated in compliance with their parents to embrace the Popish religion contrary to their own inclination: Be it enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid.—That from and after the end of this Session of Assembly, if any such parent in order to the compelling such his or her Protestant child to change his or her religion, shall refuse to allow such child a fitting maintenance suitable to the degree and ability of such parent, and to the age and education of such child, then upon complaint thereof made to the Governor of this Province or the Keeper of the great Seal, it shall be lawful for the said Governor or Keeper of the Seal to make such order therein as shall be agreeable to the intent of this ACT."—*Archives*, xxvi, pp. 340-1.)

to fulfil the first duty which he owed his offspring—that of instruction; and dissolving the filial obligation offered to a wayward child a premium for youthful hypocrisy. He who can speak of such a law in any terms but those of indignant reprobation, deserves, himself, to endure all its penalties.”<sup>1</sup>

But Queen Anne, less unjust than her Anglican subjects in Maryland, had a law passed allowing Catholic priests to officiate in private families.<sup>2</sup>

Hence arose the custom in colonial days of having a chapel annexed to a house. The Catholic chapels were usually called Priests’ Mass-Houses.<sup>3</sup>

Headed by their representative men, the Catholics made a strong and dignified protest in

<sup>1</sup> Hawks, *Rise and Progress of the P. E. Church in Maryland*, p. 126.

<sup>2</sup> “. . . That no Popish Bishop, Priest or Jesuite shall by virtue of the said Act of Assembly for or by reason of Exercising his function in a private family of the Roman Communion be prosecuted or Indicted before any her Majestys Justices impowered to hold plea thereof within this Province until the full end and Expiration of the term of Eighteen months from the publication of this Law or until her Majesty’s Pleasure shall be declared therein. Provided always that this Act nor anything therein Contained shall in no wise be Construed to extend to defeat rescind abrogate or Suspend the force, vigour or Effect of the same Act for Preventing the Growth of Popery in any other Matter or thing whatsoever or for any longer time than what is in and by this Present Act expressed and Declared. Dec. 9th, 1704.”—(*Archives*, xxvi, p. 431.)

<sup>3</sup> A reminder of this law can still be seen at the old mansion of Charles Carroll of Carrollton, Doughoregan Manor, in Howard County.

the form of a petition against the intolerance under which they were suffering.<sup>1</sup>

<sup>1</sup>“That upon application heretofore made by the said Roman Catholics to this honorable House for the repeal of an Act entitled an Act to prevent the Further Growth of Popery in this Province, whereby the toleration and freedom of conscience allowed here since the first settling this plantation, was infringed,—the House moved by a Christian temper and out of their commendable inclination to moderation suspended by another Act the execution of the former for eighteen months, or until the Queen’s pleasure were further known.—That the said Eighteen months are now near expired, and the Queen’s pleasure not yet signified (being retarded as may be rationally supposed) by her Majesty being at this juncture intent upon the consideration and settlement of more weighty affairs, and opportunities of hearing out of England offering but seldom this war-time: Wherefore they most humbly pray that this honorable House would be pleased further to suspend the execution of the said Act until Her Majesty’s pleasure be declared thereon without limitation of any set time, lest that in the interval of Assemblies such time may expire and thereby your petitioners be disturbed contrary to the intention of the House.” This was signed by Henry Darnell, Charles Carroll, Richard Bennet, James Carroll.—(*Archives*, xxvi, pp. 591-2.)

On Monday, April 15th, 1706, ‘the petition of the Roman Catholics signed by Col. Henry Darnell, Mr. Charles Carroll, Mr. Richard Bennet and Mr. James Carroll being this Day read at the Board, it is observed that the Petitioners tho they so stile themselves, rather seem to challenge than Petition for a toleration and freedom, and unhandsomely charge the General Assembly with infringing the same, which they cannot have the least reason to offer, seeing at the Time of making the Act they had not even the slightest Assurance of such Freedom or Toleration. All which is of the same Piece with the latter Part of the Petition seeming

By an Act of April 18th, 1706, the penal statutes

to insinuate as if her Majesty would forget the minutest Thing for the Ease and Advantage of her Subjects. Neither has this Board any reason to be satisfied with the Petitioners Construction of the Houses Intention which they say was until her Majesty's Pleasure should be known that they might not be disturbed in the Interval of Assemblies. But we hope we have a better right and with better reason to judge, it was quite contrary thereto, for otherwise to what end was the Penal Act made or the suspending one limited to Eighteen months, a certain time perfixd.' Which being read in the House was ordered to be laid aside."—(*Archives*, xxvi, pp. 597-98.)

On April 19th, 1706, permission was granted allowing Mass to be said in private houses which "in no case whatsoever was to be extended 12 months more." "Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of her Majesty's Governor, Council and Assembly of this province and the authority of the same, that the Act of Assembly made at a sessions of Assembly begun and held at the town and port of Annapolis the 5th day of December, one thousand, seven hundred and four, Entitled 'An Act for Suspending the Prosecution Of Any Priests of the Communion of the Church of Rome, incurring the penalties of an Act of Assembly entitled 'An Act for Preventing the Growth of Popery' by exercising their functions in a private family of the Roman Communion but in no other case whatsoever, and every article, matter, clause and thing contained shall be and remain in full force and effect to all intents and purposes for and during and unto the full end and term of twelve months next after the end of this sessions of Assembly, or her Majesty's pleasure first known."—(*Archives*, xxvi, pp. 630-1.

By order of Queen Anne, more inclined to justice than her Protestant subjects of Maryland, this permission was "continued [April 15, 1707] without any other limitation of

of First William and Mary were declared to be in full force in the province.<sup>1</sup>

Even before the obnoxious law of 1704 was passed two priests were summoned on Sept. 11, 1704, before Governor Seymour and Council for "Dedicating a Popish Chapel and for saying mass." This whole proceeding shows so well the temper of the times towards the descendants of those who had established religious liberty, that it is here given in full.

"His Excellency being informed that two Popish Priests to wit William Hunter and Robert Brooke pursuant to the summons from this Board attend to the complaint against them made, and that Mr. Charles Carroll, a lawyer, accompanied them, asks the Board if the said Priests ought to have their Council with them, who unanimously agree, say they should not. His Excellency queries whether upon the pretense of any custom of Toleration from the first settlement of this Province the actions of these Priests can pretend any justification *who say not*. The said Mr. William Hunter and Mr. Robert Brooke appeared and are

time until her Majesty's further pleasure be declared and signified therein. . . . Provided always that this Act nor anything therein be taken . . . to extend to the defeating, rescinding, abrogating, or suspending the force, vigour or effect, of the said Act for preventing the growth of popery."

—(*Archives*, xxvii, pp. 147-8.)

<sup>1</sup>*Archives*, xxvi, p. 630; see Appendix X.

told on what occasion they were called before His Excellency. Mr. William Hunter gives his Excellency many thanks for the opportunity of appearing before his Excellency and says he is very sorry for any annoyance in his conduct. As to his consecrating the chapel, he did not consecrate it, for that is an Episcopal function, that nobody was present but himself in his common Priest's vestments; and that neither under his Excellency's eyes nor in his presence, but if any such thing was done it was above fourteen months ago, long before his Excellency's arrival. Mr. Brooke says he did not say Mass in the Court Time at the chapel of St. Maries but found that others had formerly done so.

“Advised that this being the first complaint, the said Mr. Hunter and Mr. Brooke be severely reprimanded and told they must not expect any favour but the utmost severity of the law upon any misdemeanor by them committed, and being called in, his Excellency was pleased to give them the following reprimand.

“ ‘Gentlemen: It is the unhappy temper of you and all your tribe to grow insolent upon civility and never know how to use it, and yet of all people, you have the least reason for considering that if the necessary laws that are made were let loose they are sufficient to crush you and which (if your arrogant principles have not blinded you) you must need to dread. You might methinks be



content to live quietly as you may, and let the exercise of your superstitious vanities be confined to yourselves without proclaiming them at publick times and in publick places unless you expect by your gaudy shows and serpentine policy to amuse the multitude and beguile the unthinking weakest part of them, an act of deceit well known to be amongst you. But Gentlemen be not deceived for though the clemency of her Majesty's Government and of her gracious inclination, leads her to make all her subjects easy that know how to be so, yet her Majesty is not without means to curb insolence, but more specially in your fraternity, who are more eminently than others abounding with it; and I assure you the next occasion you give me, you shall find the truth of what I say, which you should now do but that I am willing upon the earnest solicitations of some Gentlemen to make one trial (and it shall be but this one) of your temper. In plain and few words, Gentlemen, if you intend to live here let me have no more of these things, for if I do, and they are made against you, be assured I'll chastise you; and lest you should flatter yourselves that the severities of the laws will be a means to move the pity of your judges, I assure you I do not intend to deal with you, so I'll remove the evil by sending you where you will be dealt with as you deserve. Therefore as I told you I'll make this one trial and advise you to be civil and modest for there is no other

way for you to live quietly here. You are the first that have given any disturbance to my Government, and if it were not for the hopes of your better demeanor, you should now be the first that should feel the effects of so doing. Pray take notice that I am an English Protestant Gentleman, and can never Equivocate.' After which they were discharged."<sup>1</sup>

This so pleased the members of the House of Delegates that a week after they addressed the following communication to the governor: "By a paper read in this House we perceive what your Excellency was pleased to say to the two Popish Priests on the occasion there mentioned. And as all your actions, so this in particular gives us great satisfaction to find you generously resolved to protect her Majesty's Protestant subjects here against the insolence and growth of Popery and we are cheerfully thankful to you for it."<sup>2</sup>

They had broken no law, they had been allowed neither trial nor counsel, yet were they grossly abused by this British bully, who styled himself an "English Protestant Gentleman."

"The members of this (same) Board taking under their consideration that such use of the Popish Chapel of the City of St. Maries, in St. Maries County, where there is a Protestant

<sup>1</sup> *Archives*, xxvi, pp. 44-45; Sept. 11, 1704; *ibid.*, p. 159.

<sup>2</sup> *Archives*, xxvi, p. 160.

Church, and the said County Court is kept, is scandalous and offensive to the Government, do advise and desire his Excellency the Governor to give immediate orders for the shutting up the said Popish chapel and that no person presume to make use thereof under any pretense whatsoever. Whereupon it was ordered by His Excellency, the Governor, that the Sheriff of St. Maries County lock up the said chapel and keep the key thereof.”<sup>1</sup> In such manner was this hallowed Sanctuary, the first founded in Maryland for the worship of God, taken forcibly from its legal owners forever.

Even Ingle's band of marauders, though little in their eyes was sacred, touched not with sacrilegious hands this hallowed shrine wherein the Pilgrims of Maryland knelt and prayed; the Puritan, with his inborn prejudice and hatred for everything Catholic, though he spared not the lives of his foes, paused within the sacred precincts, and withdrew—his hand unsoiled by desecration; it was reserved for the Episcopalian to tear down this venerable Sanctuary, adding insult to injury.<sup>2</sup>

<sup>1</sup> *Archives*, xxvi, p. 46; Sept. 11, 1704.

<sup>2</sup> There is a tradition that the bricks were afterwards used to build an Episcopal Church and a barn was built upon the site of the first Chapel in Maryland.

## CHAPTER XVII.

About this time (1700-04) a law seems to have been passed making the leading Episcopal clergymen who were called Commissaries, the judges of testamentary cases. They appear to have made an ineffectual effort to have some extreme criminal causes also placed under their jurisdiction.<sup>1</sup>

<sup>1</sup>“The Governor and Assembly of Maryland had, indeed,” says Dr. Bray, “in the years 1794 and 1795, after they had set out parishes and established a maintenance for parochial ministers; they did also, I say, with great alacrity take proper measures, as they thought, to support one to preside over them. And to that purpose they passed an Act, vesting the office of Judge in Testamentary Causes, upon such an ecclesiastical person as the said Lord Bishop of London, for the time being, should commissionate under him. The country, I am sure did very much desire it, as supposing the administration of Justice from a clergyman would redound to their own benefit, in a Court in whose justice does depend the Estates of all the orphans and widows of that country.

“The office of judge in Testamentary causes is an office of an ecclesiastical nature, an office that the country have desired might be vested in an ecclesiastical person. . . .— (*Perry Papers*, pp. 57-9. *Archives*, XIX, pp. 469-497.)

“ . . . Lastly I find there comes under my cognizance several very important cases to be speedily tried with relation to the clergy and laity. To determine several of which, being of so high a nature as forgery of Holy Orders, Polygamy and Incest, I want instructions as to the manner and forms of proceedings: And as it appears to me have no

In earlier colonial days when the greater part of the people were Catholics, the Jesuits also desired to have testamentary causes adjudicated by the ecclesiastical court. As this would have been an infringement upon the plan of religious equality to all which he had adopted for the colony, Lord Baltimore assigned the causes testamentary to the Secretary.<sup>1</sup>

An effort was now made to prevent the immigration of Catholics into the province. A law was

power, by my commission to give such sentences as the nature of the crimes will require. And in the due execution of which, as I perceive I have many eyes upon me:"—(Letter of Dr. Bray, *Fund. Pub.*, No. 37, p. 180.)

Of this passage Joseph Wyeth, one of the colonists and apparently a Quaker, remarks:

"... Had the Doctor designed to govern himself in his pretended Spiritual Function, and Ecclesiastical Jurisdiction, by that *Rule*, he could not want any necessary instructions, relating to the manner of proceeding against sinners of his Communion. But it seems it is something more that he wants, viz. *to give such sentence as the nature of polygamy and incest do require*. The Doctor does well to tread softly here, and see that his power be full before he exercise the office of Civil Magistrate, and venture to give such sentences as the nature of these crimes require, lest he incur a Premunire; for who knows not that these crimes are in their *Nature* justly deemed Capital and the *sentences* which our laws have provided for them are according. Here the Doctor's commission was *short*, he might *excommunicate* but not hang the wicked, and it is like that it will be no short while before the government put into his hands such a branch of the civil power."—(*Ibid.*)

<sup>1</sup> Johnson, *Foundation of Maryland*, pp. 56-98; *Archives*, III, p. 158.

passed (October 3rd, 1704) imposing a fine of 20 shillings for every Irish servant imported into the colony.<sup>1</sup> In 1717 this duty was doubled.<sup>2</sup> With what ludicrous fear did the few Catholics inspire the Protestant mind? Catholics at that time were about one-twelfth of the population.<sup>3</sup>

<sup>1</sup> *Archives*, xxvi, pp. 289-292.

"An Act imposing three pence per Gallon on rum and wine, brandy and spirits, and 20 shillings per poll for negroes, for raising a supply to defray the public charge of this province,—and 20 shillings per poll on Irish servants to prevent the importing of too great a number of Irish Papists into this province." Apparently the law was found to work a hardship on the Protestant merchants, for on the same day another law was passed exempting Maryland owners of vessels from the action of this law.—(*Ibid.*, xxvi, p. 349.)

Governor Seymour "observing what white servants are or have been imported into Her Majesty's province are generally Irish Papists who are induced to come hither, by the *false though specious pretences, of the free exercise of their Superstitious worship*, and having lands at the head of the Bay settled on them at the expiration of their service . . . and considering their settlements at the head of the Bay frontier most liable to the invasion of the 'common enemy' he asks for a duty of 20 shillings per poll as discouragement to their importation."—(*Archives*, xxvi, pp. 568-9.)

On December 17th 1708, we find the former law imposing the "20 shillings per poll tax on Irish servants" revived.—(*Archives*, xxvii, p. 371.)

<sup>2</sup> Bacon's Laws, 1717, ch. x.

<sup>3</sup> *Perry Papers*, p. 38. The total population in 1708 was 33,833, of these 2,974 were Catholics. The Catholics were distributed as follows: In Anne Arundel County there were 161; Baltimore County, 53; Calvert Co., 48; Prince

The following incident brings before us vividly in a picture of the time, the calm dignity of a zealous priest no less than the brutal conduct of the Governor. "Mr. George Thorrold, a Jesuit being brought before the board, His Excellency was pleased to tell him he wondered what he had to do with servants to seduce a poor sick maid servant of his to change her religion when almost dying. The said Thorrold answers that he saw the woman at Mr. Carroll's where she came to him, but that he never saw her either before or after. Being asked if he then knew her to be the Governor's servant, acknowledged he did. His Excellency told him that heretofore in a Protestant house in this Town of Annapolis just under his nose he came and christened a child in contempt of the law. Mr. Thorrold answered that he understood that no one lived in the house but the woman (whose child he christened) who was a Catholic. His Excellency tells him that his behaviour at this time especially when those of his faction were setting up the pretended Prince of Wales in her Majesty's kingdom of Great Britain, was very audacious. And the very first time he knows he says Mass in this Town he will set him by the heels, the second time indiet him, the third time send him home to Eng-

George's County, 248; Charles Co., 709; St. Mary's 1,238; Cecil Co., 49; Kent Co., 40; Queen Anne Co., 179; Talbot Co., 89; Dorchester Co., 79; Somerset Co., 81.—(*Archives*, xxv, 258.)

land in irons, and dismissed him bidding him take care, saying he will have him narrowly watched.”<sup>1</sup> The name of Governor Seymour will go down in Maryland history with little that is manly and honorable attached to it.

If the administration of Governor Hart was marked by less coarse brutality, especially on the part of His Excellency himself, the measures which were adopted during his incumbency surpassed in refined cruelty anything that had gone before, or that was ever afterwards honored by the name of law in Maryland.

In 1715 was enacted the following ordinance: “That when any person being a Protestant shall die and leave a widow and children, and such a widow shall marry with any person of the Romish communion, or be herself of that opinion and profession, it shall and may be lawful for his Majesty’s Governor and Council, within this province, upon application to them made, to remove such child or children out of the custody of such parents, and place them where they may be securely educated in the Protestant religion.”<sup>2</sup> Thus did Anglican bigotry, not content with driving the inoffensive Catholics from civil life, even invade the sanctity of the home to rend asunder the natural bonds between a widow and her children.

<sup>1</sup> June 9, 1708. *Archives*, xxv, p. 241.

<sup>2</sup> Bacon’s Laws, ch. 39, Sec. x, 1715.



And as if this were not a sufficiently dark blot upon the fair name of Maryland, the power thus to break up the family of a defenceless widow was given in 1729 to any petty justice of a county court, as may be seen from the following: "Be it enacted, that where any person being a Protestant who shall intermarry with a Papist, or be herself a Papist, it shall and may be lawful for the Justices of the County Courts, upon application, to remove such child or children out of the custody of their mother, and place him or her or them, where he, she, or they may be securely educated in the Protestant religion." <sup>1</sup>

Such a law was repellent to the first instincts of nature and outraged the most sacred love of the human heart. When the bereaved household was plunged in grief by the loss of the husband and father, when every concession should have been extended to the widow and her family, this law enacted by the Episcopal government in the land made sanctuary by the benevolence of Catholics, gave to any heartless informer who chose to exercise it the power to separate a mother from her children. It is the most disgraceful page in Maryland history. Such harsh measures as we have seen taken against the Catholics must not, however, be laid at the door of the Episcopalians in general, but only of the class that had, of late,

<sup>1</sup> Bacon's Laws, Ch. 24, Sec. XII, 1729.

come into power. There is even reason to believe that the better element did not regard with favor these harsh measures. The Upper Chamber or Council, is generally found showing a leaning towards juster enactments, intolerant indeed, but less cruel.

Charles Calvert, third Lord Baltimore, recognizing the difficulties of the Catholics while powerless to prevent the persecution of his brethren, at that time and probably on other occasions afforded aid to the missionaries. In his instructions to his agent, Charles Carroll (1712), he ordered that 8,000 lbs. of tobacco be paid to eight Catholic clergymen in the Province.<sup>1</sup>

This period appears to have been an unhappy one for the colony in every respect. "The population was not much increased during the royal government. In 1689, it contained about twenty-five thousand inhabitants; and in 1710, only thirty thousand. Immigration, the principal cause of the rapid increase in the population of the colony during the preceding era, had in a great degree ceased. 'But few or no families have come into the province to reside, of late years,' says the report of the Assembly, in 1697. 'Some single persons, mostly women, are of late come from England or Ireland, in the quality of servants, in all about sixty souls. Indeed, the low price which

<sup>1</sup> Kilty, p. 129.

the planter hath of late been constrained to accept from the merchant, hath obliged many here, finding their industry would not supply their necessities, to try their fortunes elsewhere, to the apparent and considerable diminution of the number of our inhabitants, compared with preceding years and lists.' The population had never been much increased by emigrants from other colonies; and the principal causes which had hitherto induced emigration from England, had now ceased to operate. Under the Proprietary government, it was a city of refuge to all who sought shelter from civil or religious oppression. The Catholic here found peace and security; and the non-conforming Protestant came hither, to enjoy, under a Catholic ruler, the toleration denied to him by his Protestant brethren. The enemy of arbitrary prerogative found it here in subjection to the laws; and the friend of civil liberty discovered, in the organization and powers of the provincial Assembly, the essential features of a government based upon the people's will. In these respects, it then presented a striking contrast, not only to the condition of the mother country, but also to that of most of the sister colonies; but the contrast had now ceased. Maryland was now under a royal government; and its people subject to the restrictions of an established church. To the Catholic, it offered nothing but disqualification and penalties; and to the non-conforming Protestant, it now gave no privileges,

which he could not enjoy in England, under the system of Protestant toleration established by the revolution. At the same time, many of the temporal inducements to settlers were removed. Lands were no longer given as a bounty to emigrants; and the controversies about his land rights, in which the Proprietary was involved for several years after the revolution, rendered it difficult to obtain grants from him upon acceptable terms.”<sup>1</sup>

<sup>1</sup> McMahon, p. 273.

## CHAPTER XVIII.

Charles Calvert, the third Lord Baltimore, died February 20th, 1715, at the age of 85. Four years before his death he had petitioned the government to restore his colony to him, but his petition was denied on account of his faith. His life was saddened by the conduct of his son and heir, Benedict Leonard, who in 1705 had been divorced from his wife <sup>1</sup> and who two years before his

<sup>1</sup> Benedict Leonard Calvert 'On January 2, 1698, married Lady Charlotte Lee, daughter of the Earl of Litchfield . . . grandchild of the notorious Duchess of Cleveland, from whom he was divorced in 1705.' (Morris, p. 43.)

McMahon is in error when he says of Charles Calvert "he induced his son and heir apparent, Benedict Leonard Calvert, to embrace the doctrines of the established church," p. 279. The contrary is seen from a letter of Benedict Leonard himself. The 'Humble Petition' of Benedict Leonard Calvert to the King sets forth his renouncement of his "Romish Errors," the "unkindness" of the petitioner's father who withdrew his son's annuity after the latter's apostasy, thus obliging him to live upon his marriage settlement, and how immediately after changing his religion he brought his six children home from foreign Popish Seminaries, where they were being educated at his father's charge, placing them in Protestant schools. He relates how the late Queen granted him a pension out of consideration of "his hard usage by his father," and had also directed the governor of Maryland to remit the Petitioner £500 per annum out of the revenues of Maryland: Therefore,

father's death, in the hope of eventually obtaining possession of the Province denied to his father, publicly renounced his faith (1713) and entered the Church of England. He lived but a short time, however, to enjoy his title. He died only a few weeks after his father, April 5th, 1715.

The title descended to his son Charles, the fifth Lord Baltimore who was then sixteen years of age. Representations being made to King George that Charles was a Protestant, the Palatinate was restored to him under the terms of the original charter. The Assembly of Maryland adopted an address expressive of their deep and abiding gratitude that the administration of the province had been finally put upon a wholly Protestant establishment, and expressing the hope that further toleration might not be granted to Catholics.<sup>1</sup>

he prays, that, in consideration of his change of faith, his pension may be continued, that if possible he may be made Governor of Maryland during his father's lifetime, "with a saving of all the rights of the patent, which is his inheritance."—(*Archives*, xxv, pp. 271-272, 1708-9.)

<sup>1</sup> Address of the Upper House to Charles Calvert and his guardian Lord Guilford.—(May 14, 1719.)

"It was with the greatest satisfaction imaginable that we fell upon the consideration of your Lordships' speech . . . and sensibly touched with your Lordships' condescension upon putting us upon an establishment truly Protestant; where by the very grounds and motives of those jealousies, which of late made your Lordship's Protestant tenants very uneasy, are effectually removed, and *room made for the truly charitable and Christian spirit of the*

Charles was not in any great danger of over-worry in regard to religious toleration. "As gentleman of the bed-chamber," says Morris, "Lord Baltimore was the unscrupulous minister of the Prince's intrigues and dishonest alliances,

*Church of England, to show how indulgent she is to the professors of the Romish religion, although at the same time she knows them to be her irreconcilable enemies; nor can anything be wanting to the security of the Papists here, while they demean themselves good subjects to our King, forbearing and discountenancing all evil practises that may render them obnoxious to the government."* . . . —(*Calvert Collection Mss.*) Italics the author's.

The Lower House, two years after, take occasion to express to their Lordships their gratification at their "compassion for truly scrupulous consciences."

"We beg leave," they say, "to applaud your Lordships compassion to consciences truly scrupulous, a principle which speaks you true sons of that Holy and Pious Church, which practises charity with all mankind. And do further assure you that we are led by our inclinations, as well as principles to the same compassion for all such persons of scrupulous conscience as demean themselves inoffensive in the government, and do not endeavor the perverting of his Majesty's Protestant subjects to the Church of Rome. But if any such persons should complain of persecution, merely because we do not make particular laws in their favour to be a barrier and as it were a screen to them against the laws of Great Britain, we flatter ourselves that your Lordships will have such a just regard of the sincerity of our proceedings, that you will not upon the suggestions or insinuations of any such evil-minded persons, lessen that confidence so happily established between your Lordships and your Great Council of this Province. . . ." —(*Calvert Collection Mss.*)

and did service disgraceful even in a Court which had to wait for another reign to introduce the fashion of good morals. . . . He was not even a decently educated man.”<sup>1</sup> “Charles, fifth Baron,” says Hall, “was characterized by weakness and vanity, manifested alike, in his career as a courtier, his relations with the Province, and his dealings in connection with the boundary disputes.”<sup>2</sup>

John Hart was the first governor under the new régime. To the credit of any justice towards Catholics Governor Hart is not in the least entitled. While acknowledging the incompetency and ill-conduct of the Episcopal ministers and the consequent defection of many Episcopalians to the Catholic Church, he confesses that the only remedy is to restrain the Catholic priests by force of law. “There are,” he writes in 1714, “among the clergy of Maryland many worthy persons, who deserve more encouragement than can be expected here. I am sorry to represent to your Lordship, on the contrary, that there are some whose education and morals are a scandal to their profession, and I am amazed how such illiterate men came to be in holy orders. The advantages which the Jesuits have from their negligence is but too evident in the many proselytes they make. Nor is there any

<sup>1</sup> Morris, p. 50.

<sup>2</sup> *The Lords Baltimore*, p. 172.



other remedy for this growing evil, but by making use of the authority I have to constrain them from entering the houses of dying persons. Mais les Jesuites sont Jesuites par tout.”<sup>1</sup>

Taking advantage of a rumor that some Catholics and others in the province had offered to drink the health of the Pretender, and “were otherwise favoring his claims,” the Governor issued a Proclamation placing such Papists under surveillance, and obliging them if suspected to take the Test Oath and other oaths obnoxious to Catholics. On refusing to take these oaths they are to give bail for their appearance at Court, and in default of this be committed to jail.<sup>2</sup>

Indeed it is scarcely to be wondered at if some of the Catholics, smarting under the continued insults to which they were subjected, longed for a change and expressed themselves at times with more indignation than prudence. They were not saints prepared to suffer without a word every injustice and indignity. After all they were only human, and they remembered how their fathers had provided the funds for the fathers of their persecutors to come to Maryland, and had given

<sup>1</sup> *Perry Papers*, p. 78. A year later he writes: (September 6th, 1715): “the inhabitants are daily carried away from our church by the craft and subtlety of insinuating Jesuits and separatists of all kinds, who make great advantages of the sloth and ill-conduct of our clergy.”—(*Perry Papers*, p. 81.)

<sup>2</sup> *Archives*, xxv, p. 335.

them afterwards the liberty and power, which their children were so shamefully abusing.

Notwithstanding all the measures that had been adopted to suppress them, the Catholics constantly increased, and strange, as it may seem, the increase was due in great part to conversions of Episcopalians. In 1714, twenty-one Episcopalian ministers complained of "the indulgence" allowed the Catholic priests.<sup>1</sup> This renewed campaign of the ministers against the Catholics and their clergy was soon felt in the legislation which followed.

In 1716 a law was enacted: "That in case any person who holds any office or trust within this Province, and has taken the oaths appointed by this law, shall afterwards be present at any Popish assembly, conventicle or meeting, and join with them in their service at Mass or receive the Sacrament in that Communion, he shall not only forfeit his office and incur the penalty in the Act limited, but also be incapable of taking, holding or executing any commission or place of trust within this Province, until he shall be fully reconciled to the Church of England, and receive the Communion therein."<sup>2</sup>

Not content with the laws already in force, designed to grind down the Catholics, in 1718 they were deprived of the franchise by a law for that

<sup>1</sup> *Perry Papers*, p. 77.

<sup>2</sup> Bacon's Laws, 1716.

purpose, enforcing the taking of the Test Oath as a qualification for voting. "Whereas," it reads, "notwithstanding all the measures that have been hitherto taken for preventing the growth of popery within this province, it is very obvious, that not only professed Papists still multiply and increase in numbers, but that there are also too great numbers of others that adhere to and espouse their interest in opposition to the Protestant Establishment; and being under a just apprehension (from what steps they have already taken) that if Papists should continue to be allowed their vote in electing of delegates, they, with their adherents and those under their influence, will make such a party at the elections of many of the counties within this province, as well as the City of Annapolis, as to determine the choice of some of their great favourites and adherents; which if they should accomplish, how much it would tend to the discouragement and disturbance of his Lordship's Protestant government, it is not easy to imagine. It is, therefore, humbly prayed, that it may be enacted, that all professed Papists whatsoever, be and are hereby declared, incapable of giving their vote in any election of a delegate or delegates within this Province, either for counties, cities, or boroughs, unless they first qualify themselves for so doing by taking the several Oaths appointed to be taken by an Act of Assembly of this Province, entitled An Act for the Better Security of the Peace and Safety of his

Lordship's Government, and the Protestant Interest within this Province, and subscribe the oath of abjuration and declaration therein mentioned; *and further*, inasmuch as too many persons that are either really Papists, or popishly inclined, act in disguise, and will not make any public profession of their principles, for the better and more effectual carrying on their wicked and malicious designs, for the undermining and subverting our present Establishment; *Be It Therefore Further Enacted*, that it shall and may be lawful for the Sheriff, or other Judges of Elections, and such Sheriff, or other Judges, are hereby required, as often as any of them shall see needful (or upon the information of any other Person duly qualified to vote) to tender and administer the oaths and subscriptions aforesaid, to any person or persons, suspected to be Papists or Popishly inclined, and upon their refusal, to set aside such vote or votes. *Provided Always*, That nothing in this Act be construed to debar or hinder any of the people called and generally reputed Quakers, from their votes in elections, they being otherwise duly qualified." <sup>1</sup>

<sup>1</sup> Bacon's Laws.

The oaths referred to as prescribed in 1716 were as follows:

(Oath of Allegiance.)

"I, A. B. do sincerely promise and swear, That I will be faithful and bear true Allegiance to his Majesty King George. So help me God."

No crime, be it remembered, were the Catholics, as a body, even accused of. At the most for a groundless suspicion were they deprived of the rights of citizenship which were accorded to all

(Oath of Abhorrency.)

“I, A. B. do swear, That I do from my heart abhor, detest and abjure, as impious and heretical that damnable doctrine and position, That Princes excommunicated or deprived by the Pope, or by any authority of the See of Rome, may be deposed or murdered by their subjects or any other whatsoever. And I do declare That no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have, any Jurisdiction, Power, Superiority, Preeminence or Authority, Ecclesiastical or Spiritual within the Kingdom of Great Britain, or any the Dominions thereto belonging. So help me God.”

“I, A. B. do declare that I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the elements of the bread and wine, at or after the consecration thereof by any person whatsoever.”

The act declares that without taking these oaths “no person or persons whatsoever, shall be capable of holding or enjoying any office, deputation or trust within this Province whatsoever. And in case any person or persons whatsoever, shall presume to execute or enjoy any such office, deputation or trust, contrary to the true intent and meaning of this present Act, the commission, deputation or authority of such person or persons is not only hereby declared to be utterly void ab initio, but he or they so acting or offending, shall forfeit to his Lordship, the Right Honourable the Lord Proprietary of this Province, his heirs and successors, Two Hundred and fifty pounds Sterling; one half to be applied to the use of free Schools within this Province, the other half to the informer, or to him or them that shall sue for the same, &c.”—(Bacon's Laws of Maryland.

others. Nor could it be said that they were unfit for the duties of citizenship, and the exercise of these rights. These laws against them were dictated by the meanest of motives—narrow bigotry and jealousy. As Fiske remarks, “oppressive statutes had not prevented the Catholics from increasing in numbers and the influence which ability and character always wield. They were preëminently the picked men of the colony.”<sup>1</sup>

The fear of the Catholics, though undoubtedly often feigned for the attainment of selfish ends, was sometimes ludicrous in its genuine simplicity and readiness to swallow any tale that might be coated with the toothsome suspicion of being a “popish plot.” An incident in January, 1715, illustrates this. Father Hunter had borrowed a book from a Mrs. Hemsley. On returning the book he left in it, evidently by accident, a letter written by Father Atwood and intended for another priest Father Killuck. To nullify any “popist charms or spells” against her, Mrs. Hemsley said that she tied a ribbon about the letter. She confessed that though the letter “was of dangerous consequence and tended to excite rebellion,” she had kept it concealed. The Governor obtaining this letter, so fraught with dreadful consequences to the province, presented it before the Council. After much ado, in sending post haste, up and

<sup>1</sup> Fiske, *Old Virginia and Her Neighbors*, II, p. 170.

down, for various persons supposed to be connected in some mysterious way with this "Popish Plot," and obliging witnesses to leave their plantations to attend Court; after much swearing in and examining of testimony before the Judges of the Provincial Court, it developed that the letter was an answer to one from Father Killuck in which the latter asked to see a sermon Father Atwood had preached on the text: "*Per totam noctem laborantes, nihil cepimus!*"<sup>1</sup>

Apparently chagrined by the failure to scent a conspiracy, the governor informs the Council that he has some "intimation" of disaffection among the Catholics and others of Prince George County; whereupon he issues a proclamation that any suspected persons are to be brought before a magistrate and obliged to take the oaths of Allegiance and Supremacy and the Test Oath. If they refuse they are to give security for their appearance at the County Court, or be committed to jail.<sup>2</sup>

As the test oath was one pertaining to religion which no Catholic could take, it is easily seen how great a hardship this might become for one of that faith. This law was not a dead-letter. Even as late as 1746 we find it in full force.<sup>3</sup>

<sup>1</sup> "We have labored all the night and have taken nothing."  
—A fitting text for this ridiculous procedure.—"*Parturiunt montes, nascetur ridiculus mus.*"

<sup>2</sup> *Archives*, xxv, pp. 327-335.

<sup>3</sup> "Last week," says the *Maryland Gazette*, (March 25th, 1746), "some persons of the Romish Communion were

When the cause of these enactments by the Governor is laid bare, one is amazed, and indeed hesitates to believe the testimony, were it not for the unimpeachable character of the witness. While Governor Hart was raising the hue and cry against the Catholics, it now appears that he was making an effort to cover his own tracks, and to lead suspicion from his own treasonable designs. Rev. Jacob Henderson (1718) charges the Governor with accusing Lord Baltimore and Lord Guilford of being Papists in order to secure the government for himself. Writing to the Bishop of London, he says: "Mr. Hall and Mr. Thomas Cockshutt (Episcopalian clergymen and friends of Governor Hart) have most scandalously gone about the country here raising a faction against my Lord Baltimore, telling people he is a Roman Catholic, and they offered to the Clergy a petition to your Lordship, to endeavor to have the government taken from him and given to the Governor, which the clergy refused to be concerned in; but this they knew would wonderfully please him, for he is now playing his old game against that noble Lord, and representing him and his guardian, Lord Guilford, to be Papists. *There is not in reality the least danger from them*, but Mr. Hall being very

apprehended, and upon examination were obliged to give security for their appearance at the Provincial Court."



serviceable to him in these purposes, makes him very dear to him.”<sup>1</sup>

Few as the priests were at this time in the colony, they seem to have inspired the ministers with an abiding fear which caused some of them to exaggerate their number beyond reason. In an interesting letter to the Bishop of London at this time, Rev. Mr. Rainsford writes: “We have in this Province a vast number of Jesuits, who, by their sophistry and cunning, make proselytes daily throughout the whole Government. They are advanced to such heights of assurance as to send public challenges, and to disperse their popish books thro’ all quarters of the country. The enclosed paper to me is an instance where I am obliged either to answer or give up the cause. I no way doubt (when my reply is ready), but I shall be able to check the force and dam up the current of such proceedings. I need not tell your Lordship that those of this order are men of subtlety

<sup>1</sup> *Perry Papers*, p. 111. Italics the author’s.

The Rev. Jacob Henderson was the Commissary of the Western Shore, which position made him the leader of the clergy in that section of the State, and the Ecclesiastical representative of the Bishop of London. Of all the Episcopal clergymen at that time, he was, without doubt, the most respectable. He is the only minister of that time who speaks an *occasional* just word for the Catholics. He was therefore accused of being friendly to them (*Perry Papers*, pp. 253-254). But this he indignantly denies.

and politics. They are generally very careful to approve themselves to the world. They suffer nothing unattempted which may raise their credit in the judgment of the people. This is obvious from their deluding the credulous. They take vast pains to ward off any disadvantageous measures that may shed disparagement on their Society. In short, they are so numerous that their name is Legion. They possess the people, and nothing but a regal power can cast them out. Upon what bottom they subsist amongst us; how their privileges are maintained and their encroachments supported, I can but guess at. All I shall observe is this, that in time it may prove fatal thus to give them liberty to propagate their kind, for every proselyte they make a subject's lost, and as they increase, the interest of our Church and King must proportionately sink. Your Lordship, in your wisdom, knows best how to put a stop to the growing evil. The grievance is not redressed here, and their friends and money are too powerful a spirit (when raised) for the feeble attacks of a contemptible adversary to lay again. Now I think it is every man's business to discourage superstition, to stop the progress of idolatry, and help those to right that suffer wrong. He that sees an infection spread, and won't be quick with his antidote, is guilty as far as the morality reaches." <sup>1</sup>

<sup>1</sup> *Perry Papers*, pp. 251-252. 1725.

Mr. Rainsford had received a challenge to a debate. It must have been the force of the arguments advanced by his challenger which inspired him with the idea that the priests are "so numerous that their name is Legion," for at this time there were nineteen Jesuits in Maryland and about twenty-five Episcopal ministers.<sup>1</sup>

<sup>1</sup> *Calvert Papers*, III, p. 53.

## CHAPTER XIX.

Although the Province had been restored to its rightful owner, Charles, the Fifth Lord Baltimore, when it became known that he was a Protestant, yet this seems to have had little effect in alleviating the condition of the Catholics. No new laws were passed against them, while the Proprietary exercised himself the office of Governor, but at the same time, none of the old laws were repealed. At any moment the threatening storm might break. Innocent though they might be of giving any occasion for fresh persecutions, the occasion might be manufactured at will from the wild imaginings of those in control of affairs, or if it was found necessary for their own purposes, occasion might be made out of hand, as had been done before.

Some such opportunity seems to have presented itself in 1746 for in that year Governor Bladin issued a proclamation against all priests who should convert Protestants and ordering both priests and converts to be imprisoned.<sup>1</sup>

<sup>1</sup>“Whereas, I have received certain information that several Jesuits and other Popish priests and their emissaries have presumed of late, especially since the unnatural rebellion broke out in Scotland, to seduce and prevert several of His Majesty’s Protestant subjects from their reli-

The petty spirit of intolerance is noticeable especially in the Lower House,<sup>1</sup> and in the repre-

gion, and to alienate their affections from his Majesty's royal person and government, although such practices are high treason, not only in the priests or their emissaries who shall seduce and pervert, but also in those who shall be seduced or perverted; I have therefore thought fit with the advice of His Lordship's Council of State to issue this my Proclamation, to charge all Jesuits and other Popish priests and their emissaries to forbear such traitorous practises, and to assure such of them as shall dare hereafter to offend that they shall be prosecuted according to law. And all magistrates within this province are hereby strictly required and charged, when and as often they shall be informed, or have reason to suspect, of any Jesuit or any other Popish priests, or any of their emissaries offending in the premises, to issue a warrant or warrants against such offenders to take his or their examinations, and the examinations or the depositions of the witnesses against them; and, if need be to commit such offender or offenders to prison, until he or they shall be delivered by due course if law. And I do hereby strictly charge and require the several sheriffs of this province to make this my proclamation public in their respective counties, in the usual manner."—(*Maryland Gazette*, July 22, 1746.)

<sup>1</sup> The colonial records of this period are filled with "grievances" against Catholics, setting forth the dangers of Popery, together with petitions for their further disabling and proposed legislation providing for their exclusion from the province. Bills were continually introduced by which "the importing of German and French Papists and popish priests and Jesuits" into Maryland was to be forbidden. In reply to the clamors of the Lower House Governor Sharpe wrote, "The magistrates assure me that after a careful enquiry and scrutiny into the conduct of the people of the Romish faith, who reside among us, they have not found that any of them have misbehaved or given just cause of offence."—(*L. H. J., Ms.*)

sentations made to the House by the Episcopalian clergymen.<sup>1</sup>

<sup>1</sup> *Letters of Governor Sharpe*, I, p. 240. He says that the Assembly presented him with "a furious address against the Roman Catholics."

At this time complaints were made of "Papists sending their children to foreign seminaries; of Priests living together; having public mass-houses, and 'propagating with great industry their doctrine,' etc."

Another report submitted to the Lower House also declares that, "Popery is too assiduously propagated. That too many priests are coming into the country, and that 'as very good provision' is made for able and faithful ministers, prays that those sent may be of orthodox faith, well-learned, and of exemplary lives. . . .—We further pray that your Excellency *will put into all places of trust and profit, none but faithful Protestant subjects, known as such by their civil and religious principles.*"—(L. H. J., *Mss. Folio.*)

The Committee on Grievances again reports later on that "Contrary to Statutes, a papist keeps a school for the education of youth within six miles of Annapolis. . . . Benj. Wright says: "a certain James Elston, a papist, keeps a school near his house which is about 7 miles from Annapolis; that he has heard Elston say that he would educate such of the people's children in the Romish Religion as approved of it, and such as did not he would educate in the Protestant way. That he (Elston) told him that he was a Papist and went to Mass." . . . "That Popish priests or Jesuits, take grants of land from the Lord Proprietary as well as deeds from others in their own names, whereon they build public Mass Houses, plantations, seminaries, for the public exercise of their functions; of which Mass Houses (exclusive of many Mass Houses in private families) there are six or more seated, besides

In consequence of this constant and petty nag-

trusts of lands held in their right ready to be seated for the purposes aforesaid. . . . That many Papists openly send their children to St. Omer's and other Popish seminaries, out of the King's obedience, many of whom return to this Province propagating their doctrine without control, which if not timely checked may be of dangerous consequence to this part of his Majesty's domination. . . . That a German priest or Jesuit, has a seat of land, or place for exercising the Popish religion near the Back Mountain. . . . That not only most of the Papists within this Province exert their power and interest to procure such persons to be elected into your honorable House as they think most suitable for their purpose, but more particularly Mr. Charles Carroll, a powerful Papist, before and at the late election did endeavor to influence many Electors. . . . All of which we humbly conceive to be great grievances, introducing of dangerous broils, and tend to alienate the affection of his Majesty's Protestant subjects of Maryland from his Lordship's good rule."—(*L. H. J., Mss. Folio.*) See Appendix R.

It was not long afterwards reported by "several clergymen and other gentlemen of the Church of England. . . . That the growth of Popery within this Province is became notorious by the public preaching of priests, . . . and corrupting the minds of youth by teaching school publicly, and that the Papists not content with sending their own children to be brought up at St. Omer's . . . endeavor to prevail on Protestants to do the same. The Committee humbly conceives that sending children into foreign popish seminaries for education is against the law and that endeavoring to or perverting any subject to the Church of Rome is likewise illegal, and that such and other practises of the Papists tend to endanger the established Church and State therein."

. . . Here follows a list of charges: 1. Popish schoolmast-

ging, and persecution, the Catholics authorized Charles Carroll, the father of the Signer, in 1752 to apply to the French government for a tract of land in Louisiana. But when he showed on the map the desired territory on the Arkansas River to the French Minister of State, the Minister astonished at the extent of the tract, interposed objections until the plan was defeated.<sup>1</sup>

Like the children of Israel in the land of Egypt the Catholics continued to grow in numbers. They were fined, disfranchised, their children and their possessions taken from them, they were socially ostracised, yet they held to their faith in spite of all, and what was the greatest crime of all—they increased.<sup>2</sup>

ers teaching Protestant children openly in school. 2. Children of Popish parents sent to St. Omer's and Protestants influenced to do the same. 3. Priests making proselytes, and refusing to marry a Catholic to a Protestant, without the usual promises from the Protestant party. 4. Public preaching. Signed by Episcopalian Ministers.—(*L. H. J., Mss. Folio.*)

<sup>1</sup> Latrobe's *Life of Charles Carroll of Carrollton*, p. 240.

<sup>2</sup> In *Maryland Gazette* we read: "Does Popery increase in this Province? The great numbers of Popish chapels and the crowds that resort to them, as well as the great number of their youth sent this year to foreign popish seminaries for education, prove to a demonstration that it does. Moreover many Popish Priests and Jesuits hold sundry large tracts of land, manors, and other tenements, and in several of them have dwelling houses, where they live in a collegiate manner, having public Mass-Houses where they exercise their religious functions. . . with the greatest industry, and without control."—(Oct. 17th, 1754.)



But a blow was now aimed at them which was expected to inflict a mortal wound and extinguish the name of Catholic from the soil of the Sanctuary. Although it failed of its purpose, it illustrates the extreme bitterness felt for them in the province founded by their fathers.

It will be recalled, that the Catholic Proprietaries had studiously refrained from any act which might be construed an endowment of their own church or clergy. With the purpose of establishing perfect religious freedom, they had given a fair field to all and favor to none. The Catholic priests had received grants of land according to the usual "Conditions of Plantation." The same concession was made to any minister who should elect to settle in Maryland; the colonists also, following the example of the Proprietary, to show their impartiality, had turned over the fine of Dr. Gerrard to be used for the first ministers who should come to the colony.<sup>1</sup> The title, therefore, of the priests to their lands was as clear, as unimpeachable as that of any other settler. Any voidance of their rights was a declaration of invalidity against any and all the land-grants that had hitherto been made. But the priests, instead of squandering their possessions in a life unsuited to their sacred profession, devoted the earnings of their farms to the maintenance of their churches and schools. This was considered a

<sup>1</sup> See p. 127.

grievous abuse, as we learn from the following protest: "Whereas, . . . many popish priests and Jesuits hold sundry large tracts of land, Manors and other tenements within this Province, and on them or some of them have dwellings where they live and cohabitate as in a Collegiate manner, having public mass-houses where they celebrate their religious functions in the most public manner, perverting many of his Majesty's dutiful Protestant subjects to Popery, as also many servants . . . which from their known principles in Church and State must prove of most dangerous consequence to his Majesty's dominions and his Protestant subjects here, as well from the vicinity of the French and their allied Indian Nations, and the manifest encroachments making by them on his Majesty's territories adjoining to this Province; and the danger of their being joined and assisted by those our domestic enemies. To prevent, therefore, such evils and the further growth of Popery within this Province, It is humbly prayed: That all manorlands, tenements, hereditaments, etc., possessed by priests shall on October 1st. be taken from them and vested in a Commission appointed for that purpose, (the Commission taking the test oath) all said lands and premises, etc., to be sold by public sale to the highest bidder, the money to be paid to the treasurer of the particular shore where the property is situated to be used by him towards securing his Majesty's dominion against the en-

croachments of the French and Indians." Priests are to be summoned and required to take the test Oath of Allegiance, Abhorrency, and Abjuration, on their refusal to do so, they are to be judged Popish Recusant Convicts forfeiting their lands, etc., as mentioned in this Act.<sup>1</sup>

Governor Sharpe, although a Protestant with no favorable bias towards the Catholics could not keep pace with the hot zeal of his Anglican brethren. They even accused him of being favorable to the 'Papists.'<sup>2</sup> From the Governor's letters we learn that many of the Catholics were men of large possessions although they numbered only

<sup>1</sup> *L. H. J., Mss. Folio.*

In the *Maryland Gazette*, Nov. 28th, 1754, we find: "The enclosed instructions to our Representatives were signed by a great number of the Freemen in Prince George County, who desire you to print them in your next paper. . . . We desire and expect you to pursue the plan laid down in a former session, and to promote with all your weight and influence: 'A law to dispossess the Jesuits of those large landed estates which render them formidable to His Majesty's good Protestant subjects of this Province: To exclude Papists from places of trust and profit and to prevent them from sending their children to Popish seminaries for education, whereby the minds of youth are corrupted and alienated from his Majesty's person and government.'"

<sup>2</sup> *Archives*, vi, p. 301. The Governor's attitude towards Catholics was due, no doubt, to an acquaintance with Charles Carroll, the father of Charles Carroll of Carrollton. —(*Unpublished Letters of Charles Carroll of Carrollton*, pp. 46-47.)

one-twelfth of the population.<sup>1</sup> He testifies in his letter to Calvert, that as far as he knows the "Papists behave themselves as good subjects." He therefore, refused to accede to the resolution passed by the Lower House that the penal laws 'are in force in the province.'<sup>2</sup> As the Governor would not lend a willing ear to their clamors, the Protestants formed an Association to carry out their purpose against the Catholics, and proposed to send deputies to England.<sup>3</sup>

In 1756 a double tax was put on the Catholics for the support of the militia.<sup>4</sup> As a justification for this act the Governor represents, that in view of the persecutions against Catholics in England and in the other colonies (except Pennsylvania), as he has received "positive instructions to put several parts of the penal statutes in force against them"—they should be satisfied!<sup>5</sup> It is true that Catholics did not bear arms for the defence of the colony, but they were excluded or excused. "All civil officers and persons of particular trades and callings" were also exempted from military service, but they were not doubly taxed.<sup>6</sup> The Catholics vigorously protested against this tax, but

<sup>1</sup> *Archives*, pp. 240, 297. The entire population numbered about 153,000.—(*Ibid.*, p. 353.)

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, I, p. 264. See Appendix R.

<sup>4</sup> *Ibid.*, p. 419.

<sup>5</sup> *Ibid.*, pp. 419, 429, 496-97.

<sup>6</sup> *Ibid.*, p. 353.

in vain.<sup>1</sup> Charles Carroll, the father of the Signer, contemplated at this time selling out all he possessed and leaving Maryland, but was dissuaded by his son. "I have given you reasons," writes the father, "to show Maryland to be no desirable residence for Roman Catholics. A Roman Catholic stands but a poor chance for justice."<sup>2</sup>

Nothing seemed to escape the vigilant and keen eye of Protestant intolerance. A "Naturalization Bill" was rejected by the Lower House because it did not exclude Catholics from the advantages of citizenship.<sup>3</sup>

The border wars with the French and Indians about the middle of the century, gave another pretext for much ill-feeling towards the Catholics, who were suspected of being in sympathy with the French. The accusation was without foundation. In a letter (Nov. 1, 1756) the Governor relates that a man by the name of Johnson, from Fort Frederick, accused "one priest Neal" of fomenting rebellion against the Maryland government in the interest of the French.<sup>4</sup> After a full hearing of

<sup>1</sup> Charles Carroll keenly felt the injustice of this measure. Writing to his son he says: "I do not care to mortify Mr. Calvert [whom his son had met in England] who can urge nothing to excuse his family's ingratitude to ye Roman Catholics and therefore I drop the subject."—(*Unpublished Letters of Charles Carroll of Carrollton*, pp. 57, 59.)

<sup>2</sup> *Ibid.*, p. 68.

<sup>3</sup> *Archives*, IX, p. 400.

<sup>4</sup> *Ibid.*, p. 501.

Father Neal, Johnson was found to be an imposter and deserter.<sup>1</sup>

<sup>1</sup>“A warrant was issued for apprehending and bringing before us on the 29th, the several persons whom he (Johnson) had on his examination accused or named. They were yesterday brought hither and some of them examined but as they soon convinced us that the prisoner (Johnson) had charged them wrongfully, that he had assumed a feigned name and was in fact a great imposter we discharged them, and several of them being extremely poor I ordered the Sheriff to defray their expenses and convey them back to their respective homes: As I enclose you the minutes of this Council also, I need not tell you that the informant did not when he was called into the room where they were, so much as know the Priest or Mr. Wheeler, and that he thereupon made a recantation giving us at the same time the reasons that induced him to frame and insist on such a story as he had before told and sworn to the truth of . . . . I presume enough witnesses will be found in the company that was Capt. Clark's to convict him of desertion, and he will probably be punished with death by the sentence of a Court Martial. We are told that two priests, and a lay Roman Catholic, are imprisoned in Phila. for seditious practices but what they are particularly accused of we do not yet learn. This affair, however, is much talked of and as every one is at liberty to make conjectures, many people among us are persuaded that some horrid plot will be shortly discovered.”—(*Letter of Governor Sharpe to Calvert*, Nov. 30, 1756. Correspond., I, p. 512.)

In the same year in which a double tax was put on Catholics (1756) it was proposed to the Assembly to disarm all Catholics, “the opposition to this obnoxious measure prevailed by only one vote. . . . Yet withal we find no disloyalty among the Catholics. Rather is their treatment a reflection of the character of the Assembly itself.”—(*Maryland's Attitude in the Struggle for Canada*, J. W. Black, J. H. U. Studies, p. 65.)

Another complaint was made against the Governor in 1757 for encouraging "Popery." Although he was tainted with the prejudice of the times against Catholics, the Governor was naturally inclined to be just, and heard with no good grace of these accusations. In a letter to Calvert, (December, 1757) he regrets that "any people should have been so wicked as to propagate a report, that the Roman Catholics have met with any encouragement in this province, at least since my administration."<sup>1</sup> Thus had it come about in Catholic Maryland, that it was deemed a wickedness to say of the Governor that he encouraged Catholics. Yet his Excellency openly testified on several occasions that he found no cause to censure them, even, that they were the most law-abiding citizens in the Province. Another governor once said, "I find no cause in Him, therefore, I will scourge Him, and let Him go."

It was at this inauspicious time for anything Catholic that the poor Acadian exiles, the unfortunate victims of Lawrence's cruelty and perfidy, were cast upon the shores of Maryland, once the home of the outcast and the haven of the oppressed. Time was when these unfortunates, like the persecuted of the rest of the world, would have found a welcome in the Land of Sanctuary. But the old order of charity had changed, giving place

<sup>1</sup> *Archives*, IX, p. 117.

to a new one of cold repulsion and intolerance. In the formal correspondence of the period, the stark tragedy of this people and their position in Maryland, appears in striking contrast with the past traditions of the Province. We catch here and there a glimpse of husbands seeking their wives, mothers in quest of their children, of poor, starving, simple people left upon the shore destitute, consigned to the cold charity of those who feared and hated them as political enemies, and worst of all, as Catholics. The government of the Province made a feeble and ineffectual attempt to afford some succor to these exiles, but so meagre was the provision made, that these pitiful outcasts were compelled to roam the country, dragging after them from farm-house to farm-house, their starving, ill-clothed children, begging for the very necessities of life.

Governor Sharpe did, indeed, give permission for such as could procure the means to leave the Province for the more hospitable colony of Pennsylvania, but the greater number were compelled to remain, the objects of the scant charity and endurance of the Protestants, and were not allowed to receive from the Catholics the shelter and assistance which would have been gladly given.<sup>1</sup>

In 1758 there occurred a controversy between the Upper and Lower Houses of Assembly. The

<sup>1</sup> See Appendix S.



former had passed a bill which seemed in its judgment to be sufficiently severe towards Catholics. The Lower House was not satisfied, and declaring that Catholics never had any right to toleration in the colony, insisted on such measures as would have driven the Catholics from the colony altogether. The Upper House, however, refused to yield to the clamors of the Lower.<sup>1</sup>

We have seen the repeated attempts to pass laws against the Catholics at this period, but “. . . the *legal* disqualifications of the Catholics,” says Latrobe, “fell short of the *actual* oppressions practised upon them during many periods of this era. When laws degrade, individuals learn to practise wanton outrage; the former stigmatize, the latter catch its spirit, and make its example an excuse for oppression. Hence the personal animosity of the Protestants against the Catholics of Maryland, was at one period carried to such an extent, that, as we are informed the latter were even excluded from social intercourse with the former, were not permitted to walk in front of the State House, and were actually obliged to wear swords for their personal protection.”<sup>2</sup>

The complaints against the Governor continued, and in justification of his conduct, he again writes to Calvert (Dec. 16th, 1758) upon the same sub-

<sup>1</sup> See Appendix Q.

<sup>2</sup> Latrobe's *Life of Charles Carroll of Carrollton*.—(Biog. of Signers, VII, p. 240)

ject. This letter sums up the whole situation, and gives a view of the times which leaves nothing to be desired by the modern writer.

“Mr. Calvert, Your Lordship’s Secretary, having intimated to me sometime ago that it had been reported by some persons in England who were supposed to have correspondents here, that Roman Catholics are too much countenanced in Your Lordship’s Province, that in consequence thereof their number increases, and that many of them have lately behaved in such a manner as to give his Majesty’s Protestant subjects in the Province great offence and uneasiness, I think it my duty, and in justice to myself, I can do no less than to assure Your Lordship, that since I have had the honor to bear your commission, nothing has been farther from my inclination than to countenance or give encouragement to any person of that persuasion, nor has there to my knowledge been any given them by any persons in authority under me, but on the contrary, extraordinary burthens have been lately laid on them particularly by an Act of Assembly that was made in May, 1756, whereby all landholders of the Romish faith are obliged to pay by way of land-tax twice as much as the rest of your Lordship’s tenants who are Protestants. It might be unknown, if not to the authors at least to some of the propagators of the above-mentioned report, that the people that first settled in this Province were for the most part Roman Catholics, and that al-

though every other sect was tolerated, a majority of the inhabitants continued Papists till the Revolution, soon after which event an Act was made here for the support of a clergyman of the Church of England in every parish, which is still in force and the Papists as well as Protestants are hereby obliged to pay annually very considerable sums for that purpose. Other acts of Assembly were made afterwards in the reign of her Majesty Queen Ann, subjecting all Popish priests that should be discovered here to all the penalties to which such priests would be liable to in England, but Her Majesty was pleased to disapprove thereof, and to order that no Popish Bishop, Priest, or Jesuit should be prosecuted or indicted for exercising his functions in any private family within this Province. But notwithstanding her Majesty thought fit to allow the Papists in Maryland the free exercise of their religion, they were not permitted to sit in either House of Assembly, to vote at the election of Representatives, to act as magistrates, or to enjoy any place of publick trust or profit, nor have they been since suffered, and to this I presume it must be particularly attributed, that altho half the Province were Roman Catholics about sixty years ago, the people of that religion do not at present make a thirteenth part of the inhabitants, as I find by the returns of the sheriffs and constables who have, in obedience to my order, made the most strict enquiry in their respective districts,

and the rolls returned by the collectors of the land tax, show that they are not possessed of a twelfth part of the land which is held under your Lordship as Proprietary of Maryland. That your Lordship may not be at a loss to account for their having many enemies ready to propagate stories to their disadvantage, I must entreat your patience, while I inform you that sometime before your Lordship was pleased to appoint me your Lieutenant-Governor, one Mr. Carroll, a Roman Catholic, died here and left a considerable estate to his two sons, having appointed two of his relations their guardians and executors of his last will and testament. Both these gentlemen were at that time of the same religion as the testator, but after awhile one of them declared himself a Protestant, and having qualified himself according to law, was chosen by the people of this county to represent them in the Lower House of Assembly. A difference or quarrel arising between the executors concerning the administration, he that had not renounced his religion published a piece, by way of advertisement, which reflected much on the conduct and character of the other who had address enough to persuade the House of Assembly which was then sitting, to take notice thereof, and to punish the author for violating their privileges by libeling, as they said, one of the members.<sup>1</sup>

<sup>1</sup>This incident illustrates the spirit of that day. The case is as follows: Mr. James Carroll died leaving several

“Some Roman Catholics, friends of the gentleman who was thus treated, having taken the liberty to speak disrespectfully of the Assembly for such their proceedings, the Lower House immediately resented it by resolving that the Papists were bad members of the community and unworthy of the protection and indulgence which had been given them. After this their enemies, and many were made such by envy or the hopes of reaping some advantage from a persecution of the Papists, were continually representing them as a very dangerous people, enemies to his Majesty and their country, nor had this spirit of enmity subsided when I arrived in the Province. Immediately after the defeat of General Braddock, it was given out that several Roman Catholics had showed signs of sat-

legacies and appointing Dr. Charles Carroll and Mr. Charles Carroll as executors. Dr. Charles Carroll is the one who abandoned his faith. When called to give an account of his trusteeship, he offered to compromise by a sum which Mr. Carroll considered altogether inadequate. Mr. Carroll demanded that he give an account. Dr. Carroll, thereupon, threatened Mr. Carroll with the penal statutes. Mr. Carroll then published the whole proceeding, beginning with the opinion of Daniel Murray on the case, the leading member of the bar. A copy of this ‘Advertisement’ was posted on the door of the Lower House of which Dr. Carroll was a member. The House was pleased to consider this an insult, and ordered Mr. Carroll’s arrest. Mr. Carroll apologized to the House, but refused to apologize to the embezzler, Dr. Carroll, although the House desired him to do so.—(See full history of the case in Appendix T; see also Appendix U for Carroll genealogy.)

isfaction and joy at that unhappy event, and that one of their priests had been seen on the frontiers in the dress of an officer. To alarm the people the more, it was at the same time rumored that the negroes had been caballing in many parts of the country, nay, Mr. Chase, Rector of St. Paul's parish in Baltimore county, scrupled not to intimate from the pulpit to his congregation, that the state or situation of the Protestants in this Province, was at that time very little different from that of the Protestants in Ireland at the eve of the massacre. In order to learn whether the behaviour of the Papists or of any negroes had given reason or afforded room for such reports, I convened the gentlemen of the Council, and by their advice circular letters were sent to the Justices of the Peace in the several parts of the Province, whereby they were directed to enquire whether the Roman Catholics in their respective counties had misbehaved, or whether there was any foundation for the reports which had been spread concerning them, and which had made many of his Majesty's good subjects in the Province very uneasy. The letters which I shall herewith transmit to your Lordship in a packet marked No. 1, will show that none of the county courts could, upon the strictest inquiry, find that any of the Papists had behaved or expressed themselves in an unbecoming manner, though, indeed, the Justices of Prince George's county (who it seems had taken extraordinary pains to make

discoveries, but in vain) were too much prejudiced to acquit them, or at least to acquit their priests, of having ill designs against the government. When the Assembly met in April following, the Lower House incited by two or three gentlemen whose interest and popularity were thereby promoted, presented an address to me which was calculated to inflame the people still more against the Papists and to make 'em believe that they, or a few of them at least, had received extraordinary favors from myself. I cannot help thinking that your Lordship was thoroughly satisfied by the answer I gave the gentlemen the 24th of April, 1756, which is printed in their Journal, that the allegations or insinuations contained in their address were false and groundless, and indeed I am persuaded that if they had not been convinced thereof, and been sensible that they had been imposed on, they would not have failed to make a reply. During the same session the gentlemen of the Upper House thought proper to frame a bill for preventing the growth of Popery within this Province, by which the priests were to be rendered incapable of holding any lands, to be obliged to register their names, and give large security for their good behavior, forbid to make a proselyte under pain of the penalty for high treason, and it was to have been enacted by the said Bill that no person that should be hereafter educated at any foreign Popish Seminary, could qualify to inherit any

estate or to hold lands within this Province. There were many other restraints to be laid on them by this Bill, as Your Lordship may see, if you shall be pleased to peruse the copy of it which you will herewith receive, but the gentlemen of the Lower House refused to pass it without many amendments, and these the Upper House would not agree to, being of opinion that the Bill as it was first drawn was severe enough and sufficient to answer every good end that could be desired by any Protestants who delighted not in persecution. The step which the gentlemen of the Upper House had taken in proposing such a bill, added to the report which the Justices had made, had this effect, however, that it quieted the minds of the people, and silenced those who had endeavored to inflame and terrify them. I have since ordered another circular letter to be wrote, and sent to the Justices desiring them to enquire again and inform me how the Roman Catholics in the several counties have behaved since they, the Justices, made their last report. In a packet marked No. 2, I shall transmit your Lordship copies of all their answers which will, I am apt to think, incline Your Lordship to believe that the Roman Catholics who are among us continue to behave as behoves good subjects; and upon the whole my Lord I must say, that if I was asked whether the conduct of the Protestants or Papists in this Province hath been most unexceptionable since I have had the honor to serve Your Lord-



ship, I should not hesitate to give an answer in favour of the latter.”<sup>1</sup>

Unjust and inhumane as were the laws passed at this period against Catholics, their condition in Maryland was far more bearable than in any other colony except Pennsylvania. This was a result not so much of a more tolerant inclination on the part of the Protestants of Maryland as of “long established custom in favor of religious liberty.”<sup>2</sup>

<sup>1</sup> *Letters of Gov. Sharpe*, II, pp. 315-318.

<sup>2</sup> Hall, p. 146.

## CHAPTER XX.

A passing review of the ecclesiastical conditions of the province during this time will not be out of place here. From 1634 to 1700 twenty-one Jesuits had labored in the missionary field of the Colony.<sup>1</sup> Of these all were English except Father Robert Brooke who was born in Maryland. There were three Secular priests Fathers Gilmett, Territt, and William Waring. In 1673, two Franciscans also arrived; in all six of that order were in Maryland. From 1700 to 1771 seventy Jesuits came to the Province.<sup>2</sup> Schools supported by the produce of their farms had been established by the priests.<sup>3</sup> Obligated to maintain themselves and their churches from the fruits of their plantations, it is not to be wondered at that the schools were not numerous. It was rather surprising that they were able to support as many as they did. In 1698 an official census of the Catholic priests and Quaker preachers at that time in Mary-

<sup>1</sup> *Calvert Papers*, III, p. 53. A MS. list of Jesuits in the Archiepiscopal Library, Balto., gives the names of twenty-three Jesuits; see Appendix V.

<sup>2</sup> *Calvert Papers*, III, p. 53. A MS. in the Archiepiscopal Library, Baltimore, gives seventy-three; see Appendix V.

<sup>3</sup> *Calvert Papers*, III, p. 52; *Archives*, XXIII, p. 81; Shea, p. 405, quoting *Woodstock Letters*, XIII, p. 72.

land gives five priests and two lay-brothers for the Catholics and two preachers for the Quakers.<sup>1</sup>

In 1706 it is said that there were about six Presbyterian churches in the province.<sup>2</sup> The failure of that denomination to make any con-

<sup>1</sup>In obedience to an order of August 10th, 1698, the sheriffs of the Province returned the following census of priests and Quakers: "Anne Arundel Co. no priest or lay-brother. The Quakers have one yearly meeting house, two monthly, one quarterly, four weekly, two preachers.—(*Perry Papers*, p. 20.) Baltimore Co. neither priest nor preacher, church nor meeting house for Catholic or Quakers. Calvert Co.—no priest nor chapel—Quakers two meeting houses. Prince George.—No priest nor church, no preacher nor meeting house for Catholics or Quakers. Charles Co.—Three priests and one lay brother, viz., Richard Hubbert, Franciscan and William Hunter, Robert Brooke, and William Burley, lay brother, Jesuits; chapel near Newport at Major Boroman's [Boarman's], Priest Hubbert's dwelling house, chapel at Priest Hunter's house at Port Tobacco; only two Quakers in the county. St. Mary's Co.—Rev. John Hall and Nicholas Gulick and one lay-brother at St. Inigoes. Brick chapel at St. Mary's wooden chapels at Father Gulick's house, one at St. Clement's Town, and another at Mr. Hayward's; no Quakers or dissenters in the County. Somerset Co.—no priests nor chapels. Dorchester Co.—no priests nor dissenting ministers. Talbot County—No resident priests; chapel at Doncaster; four Quaker meeting houses. Kent Co.—No priest nor chapel, and only three papists, Edmund Mackdonall, Thos. Collins, and James Bruard; about 25 Quakers and one meeting house.—(*Perry Papers*, pp. 20-23. Cfr. article "Archdiocese of Baltimore," by the author, in *Catholic Encyclopedia*, vol. II.)

<sup>2</sup>One at Patuxent, one in Baltimore County; on the Eastern Shore, churches at Snow Hill, Reboboth, and Manoakin; some also in Cecil County.

siderable progress is ascribed to the fact that the Anglican and not the Presbyterian Church was supported by taxes.<sup>1</sup>

We have seen how in 1676, Rev. Mr. Yeo had petitioned the Archbishop of Canterbury to take some steps towards the maintenance of the Episcopal Church in Maryland, attributing the abuses and disorders which exhaled from his fertile imagination, to the deplorable fact that no Episcopal ministry was established and provided for out of the funds of the Province. This end, so devoutly wished for being accomplished, it will not be devoid of interest to learn what improvements took place in the colony. There is no part of Maryland history which has come down to us in more detail and which is better authenticated.<sup>2</sup>

<sup>1</sup> *Early Presbyterianism in Md.*, J. H. U. Studies, 8th Series, p. 337.

<sup>2</sup> As the reader is already aware, an effort has been made in this narrative to present as far as was possible and convenient, the very words of the men whose names have appeared, and whose deeds have been recorded. It will be but fair to follow the same course in dealing with the subject of the Episcopal clergy during the Episcopal ascendancy. As the lives of the priests have been presented according to the testimony of their own letters and other documents relative to them, so the character of the Episcopal clergy will be given in their own words. A collection of these private letters addressed to the Bishop of London and the Archbishop of Canterbury, was made by Rev. Dr. Hawks, a distinguished Anglican clergyman, and another was edited by Rev. Dr. Stevens Perry, a bishop of the Episcopal Church.

Until the establishment of the Episcopalian Church in Maryland, all the clergy of the various denominations in the Province had been supported, their churches and schools built as well as maintained, either by private contributions or by the products of the lands which had been granted at a nominal rent by the Lord Proprietary. "The people gave freely as a benevolence what they would have loathed as a tax."<sup>1</sup> It was at his personal charge that the second Lord Baltimore directed his brother to provide for the two Secular priests, Fathers Gilmett and Territt, for a short time until they could secure an independent livelihood; and when Charles, the third Lord Baltimore, contributed eight thousand pounds of tobacco annually for the eight priests in the Province at the time of the Episcopal revolution, it was given as a private donation, and not required of the people as a tax.

That the Maryland Catholics of the early days were generous in their benefactions to the Church and clergy is abundantly attested by the records of that period. The wills probated from 1635-1685 show innumerable instances of the liberality of the faithful, in bequests of land and personalty made for pious uses.<sup>2</sup> The priests neither asked for nor expected a regular salary. Generally speak-

<sup>1</sup> McMahon, p. 243.

<sup>2</sup> Baldwin's *Maryland Calendar of Wills, passim*, vol. I.

ing, they were gentlemen of good families; they had renounced the world not for the "loaves and fishes" but out of love for their Master.

From the beginning of Maryland history to 1692 we find twenty Episcopal clergymen in the province.<sup>1</sup> They seem to have supported themselves, like the priests, by the crops which they raised and sold. "Up to the year 1684," says Rev. Dr. Hawks, "nothing materially affecting the [Episcopal] Church is recorded; though it is probable that the number of its clergy had increased by an accession of men who are remarkable only for scandalous behaviour, utterly inconsistent with the sacred office."<sup>2</sup>

After the establishment of the Anglican Church in the Province, the ministers were inducted by the Governor "who was for many purposes considered the Ordinary."<sup>3</sup> Later on they were appointed by the Proprietary who generally took council with the Bishop of London, though sometimes the people were consulted. Once he had been inducted into office, the clergyman could not be gotten rid of except by resignation. As a means of persuading him to this step, the congregation sometimes mobbed him, or locked him out of church. By means of taxes, fees, fines, and

<sup>1</sup> See Appendix W.

<sup>2</sup> Rev. F. L. Hawks, *Rise and Progress of the P. E. Church in Maryland*, p. 195, quoting Oldmixon.

<sup>3</sup> *Ibid.*, p. 122.

sometimes private collections, not only the church, the minister, his clerk, the vestrymen were provided for, but libraries were also furnished for the incumbents. Fees were received for baptism, and the funeral sermon over a wealthy parishioner usually had its reward. Dr. Bray wrote in 1700, that a law had been passed to establish free schools. These schools were mainly for the training of aspirants to the Episcopal ministry.<sup>1</sup> The affairs of a parish were under the control of vestrymen, who usually met the first Tuesday of each month. "The only qualifications required for a vestryman were that he should be 'sober and discreet and not a member of the Romish Church.'"<sup>2</sup> The parish revenues depended upon the 40 lbs. of tobacco per poll, and when this was insufficient, an extra 10 lbs. per poll could be levied by the County Court. It was thus to the interest of the parish to maintain the quality of this commodity. For this purpose we find that inspectors were appointed by the vestrymen. Of these latter "some were not even open professors of religion"<sup>3</sup> but they were obliged to be alert guardians of the tobacco interests. To be a good judge of an inspector, and not to be

<sup>1</sup> Md. Mss. in the Whittingham Library, quoted by Edw. Ingle in *Parish Institutions in Maryland*, J. H. U. Studies, 1883.

<sup>2</sup> *Ibid.*, p. 14. Bacon's *Laws*, 1730, Chap. XXIII, Sec. 6.

<sup>3</sup> *Ibid.*, p. 13-19.

Romanist, were probably in the last analysis the necessary qualifications for these guardians of the spiritual and temporal welfare of a parish.

We have seen that previous to 1702 many laws were passed by the Assembly for the establishment of the Episcopal Church and for dividing the Province into Parishes. When the first law was passed in 1692, there were only three ministers of that denomination in the province.<sup>1</sup> In 1698 there were sixteen ministers in Maryland.<sup>2</sup> Yet we find that in 1700 there were still fifteen parishes vacant, because the law of 1696 failed to provide for any incumbents.<sup>3</sup> When this law received the royal sanction, however, the parishes were soon more amply provided for. The reason of this appears in a Memorial of the Clergy of Maryland in 1728, in which they assert that they were induced to come to Maryland by the provisions of the Act of Establishment.<sup>4</sup>

Until a clergyman could be supplied to a parish, the funds derived from taxing all the people of the district, Presbyterians, Catholics and Quakers as well as the few Episcopalians, were to be devoted to the building of a church.<sup>5</sup> There were also other sources of revenue for these parish

<sup>1</sup> *Achives*, XXIII, p. 81; *Perry Papers*, p. 8.

<sup>2</sup> Steiner, *Rev. Dr. Bray*, pp. 217-218.

<sup>3</sup> *Perry Papers*, p. 39.

<sup>4</sup> *Perry Papers*, p. 263.

<sup>5</sup> *Archives*, XIII, p. 429; *Perry Papers*, p. 156.



churches. "One of the functions of the vestry was to sell, for a term of years, white women guilty of having mulatto children. . . . The strangest part was that such children were supposed to belong to the Church, and the pecuniary profits resulting from the crime in the sale of both parents and children went to the use of the Church, though afterwards it was claimed by one of the best ministers ever in the colony, that such persons belonged of right to the clergy, a claim that was apparently recognized."<sup>1</sup>

Of the clergymen themselves, one might hesitate to speak, but as they were the chief beneficiaries and indefatigable promoters of the religious intolerance established by the Episcopal Church in Maryland, they deserve special consideration. Their private letters, moreover, are the best exponents of the life in the colony during the long period of Episcopal domination.

Writing in 1697 Gov. Nicholson says: "There is often very great want and now especially of good clergymen and schoolmasters in these parts of the world; and I will not venture to answer for some of their abilities, lives and conversations."<sup>2</sup> Nicholson was not easily offended in point of morals. Dr. Hawks writes of clergymen "of profligate lives finding a home in these unfortunate col-

<sup>1</sup> *Church Life in Colonial Maryland*, by Rev. L. C. Gambrall, p. 72; cfr. *Perry Papers*, p. 232.

<sup>2</sup> *Archives*, XXIII, p. 83.

onies,"<sup>1</sup> of the "flagrant misconduct" of one of the Maryland clergy who fled to Virginia.<sup>2</sup> Dr. Bray thus addresses one of his brethren: "It so happens that you are seated in the midst of papists, and I am credibly informed there have been more perversions made to popery since your crime has been the talk of the country than in all the time it has been an English colony."<sup>3</sup> "The immoralities of some of the clergy of the Establishment, had become so glaring, that the legislature thought it necessary to devise some mode of coercing them into decency of behaviour. . . . Their plan was the establishment of a Spiritual Court, to be composed of the Governor, and three laymen. . . . They were to have cognizance of all cases of immorality on the part of a clergyman, and of non-residence in his parish for thirty days at one time, and their powers extended to deprivation of his living, and *suspension from the ministry*." "What must have been the extent of injury inflicted on the cause of religion, by clerical profligacy so rank, that even the laity felt obliged thus to labor for its correction?" We read of "ministerial worthlessness and wickedness" . . . and of clergymen who "still continued to be vicious and hardened in iniquity by impunity in crime."<sup>4</sup>

We have already seen that the increase among

<sup>1</sup> Hawks, p. 100.

<sup>2</sup> *Ibid.*, p. 101.

<sup>3</sup> *Ibid.*, p. 192.

<sup>4</sup> *Ibid.*, 128-132.

the Catholics, which the Government so bitterly deplored, and took such stringent measures to put an end to, was due to conversions of Episcopalians. This need not surprise us when we consider the character of some of the clergymen of the Established Church.

In speaking of the scandalous life of Rev. Mr. Tibbs. of St. Paul's, Baltimore Co., Mr. Henderson says: "The Roman Catholics are very numerous and make great advantage of these things."<sup>1</sup> Mr. Tibbs was one of the most prominent of the clergymen of this period. He is frequently mentioned in the letters of complaint sent to the Bishop of London by the Commissaries. He is adjudged "incorrigible," is described as being "as bad as ever and proclaims defiance against any power whatsoever," and being rich it is feared that he will make a strong opposition. He is charged with living out of his parish, and with setting up his clerk, "a person convicted of felony to read the service not excepting the absolution, that he comes very seldom to church himself, that he refuses the burial of his parishioners, refuses to visit the sick . . . and that the parishioners of the parish are much injured by the said Tibbs' evil example, particularly in swearing and drunkenness and many more instances. . . . Being a minister for near forty years, in the whole

<sup>1</sup> *Perry Papers*, p. 80, Sept. 1, 1715.

course of that time he has not only . . . most miserably neglected his cure but lived to scandal to the holy function in drunkenness, cursing and swearing, fighting and quarreling.”<sup>1</sup>

The establishment up to this time does not seem to have effected the good that Mr. Yeo had predicted from a salaried clergy. Rev. Samuel Skippon, writing to the Bishop of London, January 19th, 1714, says that the neglect has been so great that “whole families, both parents and children, sometimes live and die without Baptism,” and he complains at the same time of the “frequency of polygamy, fornication and such like sins.”<sup>2</sup> It was at this time that Governor Hart wrote: “The advantage which the Jesuits have from their [the ministers’] negligence is but too evident in the many proselytes they make. Nor is there any other remedy for this growing evil but by making use of the authority I have to constrain them [the priests,] from entering the houses of dying persons.”<sup>3</sup> A letter written about 1716 says in part: “The Roman Catholics, especially, gain much ground with us; and I verily believe that if the jurisdiction of our Church do not soon take place here, it will by degrees, dwindle to nothing. I am

<sup>1</sup> *Perry Papers*, pp. 133, 302, 309, 310.

<sup>2</sup> *Perry Papers*, p. 73.

<sup>3</sup> Hawks, quoting Md. Mss. from Records at Fulham, p. 139.

not of opinion that the fault is *entirely* in the clergy; there is a great deal owing to the diligence and ingenuity of the Romish priests; but at the same time it is very obvious that the weakness of some of our clergy, the negligence of others, and the ill lives of many, have made more converts to that Church than their priests could have done notwithstanding their extraordinary abilities. This is not only my opinion; but the opinion of many worthy gentlemen who have lived long in the Province.”<sup>1</sup>

“Roman Catholics and Dissenters looked on with contempt, not unmingled with satisfaction, at the picture of an establishment, so profligate in some of its members that even the laity sought to purify it, and yet so weak in its discipline, that neither clergy nor laity could purge it of offenders.”<sup>2</sup>

As a result of this utter want of discipline the lamentable condition still continued. Rev. Mr. Rainsford writing in 1724, says: “I am sorry to acquaint you, that we have among us men of our robe of *most lewd and profligate lives*, men that have been presented and fined for *drunkenness and swearing*, and are carrying on the interest of the devil and his dominion with all their might, among the number of which was Mr. James Williamson,

<sup>1</sup> Hawks, quoting Md. Mss. from the Records of the Venerable Society.—(*P. E. Church in Md.*, p. 149.)

<sup>2</sup> Hawks, quoting Md. Mss. at Fulham.

Rector of All Saints, and Mr. John Donaldson, rector of William and Mary Parish, the former of which his own parishioners design to petition against to my Lord of London. I have a large field of discourse open before me on this melancholy subject, but must beg of you to conceal what I offer from the Bishop of London till you hear again from me which shall be some time this summer. Mr. Barret's behavior during his continuance on board Capt. Wilkinson has been the occasion of the Bp. of London's being hugely reflected on. The Capt. reports that he was continually drunk with the foremast men, that he went on shore at Portsmouth, raked it in the gown, came aboard drunk, and challenged the Capt. to fight him, upon which he sent him ashore and dismissed him from the ship; what's become of him I presume you know by this time, but the inhabitants have returned the Capt. thanks, and after an impious manner cursed and damned the worthy Bishop for designing such a parson for 'em. I can assure you several weak men were turning papists on that and other occasions, and altho' Mr. Cox is a man of a sober life and conversation, and they have it not in their power to object against his morals, yet they do against his country, as being Irish. We have Popish priests daily flocking in amongst us, and the whole province smells of Popish superstitions, &c. I wish these caterpillars

were destroyed; they poison apace our young plants that are growing up.”<sup>1</sup>

Again in August of that year the Rev. Mr. Rainsford says: “I writ you two letters by two several ships, and in them I mentioned something of the scandalous behavior of some of our rascally clergy. Mr. Williamson is grown notorious and consummate in villainy. He is really an original for drinking and swearing. His own parishioners design to petition my Lord of London on the occasion, and a presbyterian minister is now gathering a congregation out of the disaffected part of his flock. Mr. Donaldson is so vile that the other day, being sent for to a dying person, came drunk, and the poor dying soul, seeing his hopeful parson in that condition, refused the Sacrament at his hands, and died without it. He’s notorious for lying and sins of the first magnitude. His own people can best describe him. Mr. Mackonchie is a mere nuisance, and makes the church stink. He fights and drinks on all occasions, and, as I am told,

<sup>1</sup> Letter of Rev. Mr. Rainsford, April 10, 1724; *Perry Papers*, pp. 233-234.

“The Jesuits,” says the *British Review* of October, 1844, “succeeded in teaching European virtues and not teaching European vices. Every reflecting Protestant will admit,” continues the writer, “that Popery and Priestcraft are elements of less immediate destructiveness than grooved rifles and gin; and that the Jesuits may be excused for introducing Romanism, where no other European had introduced anything but smallpox.”—(Quoted by Oliver, *Puritan Commonwealth*, p. 257.)

*alienas permoleto uxores.* I have no time to enlarge; one thing occurs that is truly remarkable. The Papists (in which this province abounds) are petitioning the assembly to make negro women no taxables, whereby the salary of the clergy will be reduced to scarce a subsistence if it takes, but 'tis thought it will not; however, the papists show their teeth and would bite if they durst. They are truly intolerably ignorant even beyond description." <sup>1</sup>

From what we have seen of the character of the Episcopal body at this period, it may readily be surmised that the clergy were not likely to make much progress in the building up of their church, and we are prepared to believe the declaration of the ministers of the Eastern Shore that "the preservation of the Crown in the Protestant line is our only security from Popery." <sup>2</sup>

<sup>1</sup> Aug. 16th, 1724.—(*Perry Papers*, pp. 241-242.)

<sup>2</sup> *Perry Papers*, p. 239.



## CHAPTER XXI.

The year 1728 was one that created great consternation in the ranks of the Episcopal clergy. By an Act of that year their fees were reduced to 30 lbs. of tobacco per poll. In great excitement and distress at the thought of their dwindling revenues the ministers of the Anglican Communion forwarded petitions, protests, and addresses to their friends abroad, the Bishop of London and to the King himself,<sup>1</sup> imploring that the former law of 40 per poll might be restored, setting forth in no uncertain terms that they had come to America, induced thereto by 'legislative security' that 'in preaching the Gospel they should *live* by the gospel,' and that a reduction in their stipend would result in their seeking fallow fields elsewhere.<sup>2</sup> They decided upon sending some of their brethren privately to England to strengthen these representations by personal appeals,<sup>3</sup> and in 1729 Rev. Jacob Henderson undertook this embassy.<sup>4</sup> In consequence the act of 1728 was vetoed, but the Assembly despite the wishes of the Proprietary, passed another in 1730 which really became the law.<sup>5</sup>

<sup>1</sup> *Perry Papers*, pp. 262-68.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, p. 269.

<sup>4</sup> *Ibid.*, p. 270.

<sup>5</sup> *Ibid.*

In view of these complaints it will be found interesting to see what revenue was derived from this tax on the people of Maryland. In 1724 the clergy of the Established Church gave about 6,000 as the number of *families* in their parishes, with about 1,400 *communicants*.<sup>1</sup> If we suppose from this that the number of taxables was about twenty-four thousand, we shall not overestimate the sources of revenue for the clergy.<sup>2</sup>

<sup>1</sup> *Perry Papers*, pp. 190-232.

<sup>2</sup> Mr. Wyeth, who seems to have been a Quaker, in a letter to Dr. Bray, the Episcopal Commissary, sums up the whole situation on this subject. He says:

"By taxable persons is understood, all males of sixteen years and upwards, to sixty; of white persons and all, both men and women, blacks of the like ages. Now for the drawing of the scheme and estimate, which I promised, I shall suppose (for with respect to number I can do no more unless I had the assistance of the Doctor's *Tabula Prima*, &c.) that the heads of families who differ in worship from Episcopacy, their children and servants, both black and white, which are taxable, may be in number 6,000 . . . the yearly assessment of these at 40 lbs. of tobacco per poll, valuing the tobacco *communibus annis*, at a penny a pound (though some years since since 1692 it has been double that price) it amounts to 1,000 pounds sterling a year; which is no inconsiderable sum to be taken and distrained annually, for eight years, as this has been, on pretence of the service of Almighty God, by colour of laws disallowed by authority. But as the assessments above mentioned of 40 lbs. of tobacco per poll, hath been gathered by laws disallowed, so it is some degree of injustice, to constrain even those who owned their ministry, to give them such a certain portion; which assessments being added to the former, will make up according to the

At this period, then, the Province was paying about £3,000 per annum for the support of the

information I have, a sum three times the former; the whole number of taxable persons being supposed to be about 24,000, by which computation, 4,000 pounds sterling a year has been taken or distrained for eight years for the clergy of that province. The total of which sum is 32,000 pounds; and the Doctor (Bray) tells that *there is but 16 ministers, and the churches but lately built, and that to the great charge of the Governor Nicholson and the Country.* That it has been to their great charge, is very likely true, for each of these 16 ministers had for the past 8 years 100 l. per annum that will make the sum of 12,800. Then for building churches and petty expenses if at least it has been so expended 19,200: Total, 32,000.”—(Joseph Wyeth’s Answer to Dr. Bray, *Fund. Pub.* 37, pp. 217-18.)

In 1696 the average number of taxables in each of the 29 parishes established were 350.—(*Archives*, XXIII, pp. 17-23.) The accuracy of Mr. Wyeth’s figures was denied by Dr. Bray, who asserted that there were not more than 12,000 taxables, and that tobacco was not sold for as much as penny a pound, as a general thing.

In 1741 we find the whole number of taxables to be 36,000. (*Perry Papers*, p. 323), and we know that there was not a great increase in the population during these years.—(McMahon, p. 273; cfr. Dr. Thomas Bray, *Md. Fund. Pub.* No. 37, pp. 188-199; 216-218.)

It is extremely difficult to determine exactly what was the equivalent in English money for tobacco in Maryland. We are told by one of the earliest historians of the colonies that in the young days of Virginia “the price of a wife to the husband who purchased her, was one hundred pounds of tobacco, for each of which was then allowed in money three shillings.” He continues, “ninety girls ‘young and uncorrupt’ were transported in the year 1620, and sixty more, ‘handsome and recommended for virtuous demeanor’ in the subsequent year, and almost all

Episcopalian Church and clergy. The latter about this time—numbered twenty-five.<sup>1</sup> So that the average salary which the 6,000 families, Catholics, Presbyterians, Quakers and Jews,—paid to these twenty-five Episcopal ministers for the benefit of the Episcopalians represented by the 1,400 communicants, was £120 per annum, with house and glebe-lands free, besides perquisites.

Yet it was not always an easy matter during the Establishment for the members of the Episcopal Church to obtain an incumbent. In 1719, the vestrymen of All-Hallows (writing to the Bishop of London) set forth how their pastor, Mr. Wilkinson, had left them destitute of a spiritual guide to accept a more valuable pastorate elsewhere. They offer as an inducement to an incumbent ‘a glebe of 400 acres of rich land with a good dwell-

these were immediately blessed with the object of their wishes.” This was in 1620. Whether or not this remained the rate until the founding of Maryland, fourteen years later, and whether the price of this staple was the same in both colonies cannot be ascertained positively, though it is more than probable that it was, as trade was carried on between them, and tobacco being the currency, would probably have the same value in both settlements. We find from Acts passed in 1638 that it was 2 pence per pound, and in 1676 1 penny. It seems to have continued at this valuation from that time on, for in 1688 ‘three pence sterling equalled three pounds of tobacco.’ In 1700 the lots laid out in Baltimore Town were paid for in tobacco at the rate of one penny per pound,—and in other official records of this period the same valuation is given.

<sup>1</sup> *Perry Papers*, pp. 128-9.

ing house, an apple orchard and a peach orchard of 1,000 trees, and more than 20,000 lbs. weight of tobacco yearly revenue, not counting the perquisites, as they do long for a spiritual pastor.' They then continue their appeal in these words: "Having tried several methods to obtain one, all failing, we humbly conceive it our duty to represent to your Lordship's consideration our misery through the long continuance of the famine or scarcity of the Word of God in our Church," and they pray for "a Godly clergyman towards supporting the sinking Church and the salvation of the souls of the poor desolate people."<sup>1</sup>

Another ground of frequent complaint on the part of the Anglican clergy, was the poor quality of tobacco which was given to them for their spiritual ministrations. The tax was most unpopular and was resisted by the people.<sup>2</sup> It is not to be wondered at, if they contributed only what the law compelled; for it must not be forgotten, that during these eighty years of Episcopal supremacy, the clergy of the other denominations were supported, their churches built, and their schools maintained by the produce of their farms, or by the voluntary contributions of their people. It was this fact that caused the bitterness of the Presbyterians against the Establishment; for after

<sup>1</sup> *Perry Papers*, pp. 116-117.

<sup>2</sup> Cfr. Rev. Thos. Bray, by Steiner, *Fund. Pub.* 37, *passim*.

having done all they could to bring it about and having digged a pit for their Catholic brethren, they found they had fallen into it themselves. To remedy this grievance of the 30 per poll tax in bad tobacco, which was the cause of such anguish to the Established clergy, a law was passed giving the vestrymen the appointment of the inspectors of tobacco.<sup>1</sup> This plan, however, was not successful in putting an end to the protests called forth by the reduction in the clergymen's salaries; petitions, pleadings and remonstrances continued to assail the King, the Proprietary, and his Lordship of London.

In the meantime the growth of the population occasioned an increase in the yearly incomes of the salaried pastors. According to a list of parishes and their annual values as returned in 1767, there were forty-four parishes which averaged an income of a little over £192 a year. The largest was All Saints, Frederick, which returned £452.13, and the lowest St. Augustine's, Kent Co., which yielded £74, 4s, 4d.<sup>2</sup> There is a latent humour in some of the communications sent to England in regard to the salary reduction, which is unconsciously manifested by the writers. For example, while protesting against the substitution of the 30 per poll, which he says, "has picked my pockets about

<sup>1</sup> Bacon's Laws, 1763, cap. XVIII.

<sup>2</sup> *Perry Papers*, pp. 336-7.

£200 during the time the law has lasted," Rev. Alex. Adams reports, " my Lord, I have three most irregular clergymen in my neighborhood." <sup>1</sup>

There are three subjects which are made constantly manifest in the letters and official reports sent to England by the clergy during this period of the Establishment; namely the " Papists," the immoral lives of the Anglican clergy, and, last but not least, the lamentable reduction of the 40 per poll. It is a remarkable fact that in all of the correspondence at this time, there is not the slightest hint of irregularity in the lives of the Catholic priests. Their 'learning,' their 'diligence and ingenuity,' their 'proselytizing,' 'their attendance upon the sick,' their 'superstitions' are all made matters of comment and bitter complaint, but not a word that in the eyes of a discerning age will throw the least discredit upon the Catholic clergy then laboring in Maryland.<sup>2</sup>

<sup>1</sup> *Perry Papers*, p. 382, 1752.

<sup>2</sup> *Perry Papers*, *passim*.

## CHAPTER XXII.

The increase in the salaries of the Episcopal clergy due to the natural growth of the population was not marked by any increase in the zeal or spirituality of the recipients of the peoples' beneficence. In fact, it is lamentable to notice, if anything, a decrease in spirituality proportionate to the increase in salaries. Lest one should think that the record of the clergy of the establishment is exaggerated, it will be but just to let the documents speak for themselves.

In July, 1626, the following complaints were sent by the much aggrieved people of Kent Island against their pastor the Rev. Thomas Phillip:

“ . . . Touching visiting the sick, the most humble supplication of them, their friends and relations hardly ever prevails, so that now the people has utterly done expecting it from him. As to burying the dead, if there is to be a funeral sermon in the case, he seldom fails coming, but if the deceased be poor so that [there is] no sermon, it is altogether vanity to expect him. In relation to the baptizing infants, he very rarely accepts any for sureties but communicants, which (God knows) are too few in number to be burdened with becoming sureties for all the rest, and that small



number is rather decreased than augmented by a general disgust of our people at the surly, proud, morose and unhappy temper of our minister; and yet he has sometimes accepted without scruple for sureties the basest profligate and notoriously infamous to take that charge on them, when that humor is on him. And at other times we are generally obliged to carry our children, some by land and some by water, many miles to other ministers, who never refuse to baptize them with such surities as we can provide.” (*The remainder of the letter is not fit for publication.*) Signed by the vestry and some of the people.<sup>1</sup>

It is not indeed surprising that sometimes the people rebelled against their pastors, for we read how the Rev. Theodore Edgar, Westminster Parish, “was lately drove out of Virginia for drunkenness and was inducted into a parish soon after by our Governor.”<sup>2</sup>

From Cecil County likewise comes a cry of distress about the same time. The people of St. Stephen’s parish, complain that their rector is drunk on Sundays. “The people had entirely left the church, and some were for turning Papists and others Presbyterians.”<sup>3</sup>

<sup>1</sup> July, 1726. *Perry Papers*, pp. 257, 258.

<sup>2</sup> Report of the visitation of July 15, 1730.—(*Perry Papers*, p. 297.)

<sup>3</sup> Commissary Henderson to the Bishop of London, August 7, 1731.—(*Perry Papers*, p. 308.)

It seems, however, that some ministers had fallen too low even for Maryland. The Commissary asserts in 1732 that Mr. Wright, a clergyman who was sent to Virginia three years ago, afterwards ran away from there with another man's wife. He afterwards tried to get employment in Maryland.<sup>1</sup>

The people of St. Mary's County still remained true to their faith and were unwilling to participate in the blessings which the Establishment was bestowing on the other counties. This was an occasion of much concern to the minister appointed as a beneficiary of the tobacco tax in that county. Rev. Mr. Holt informs his correspondent that "the number of Papists are supposed now to exceed the Protestants three to one in that county." Anti-Catholic literature, therefore, to send broadcast among those poor benighted souls will be very acceptable. He says: "Some of those small pieces of dissuasive from and defensive against Popery would be a very charitable present in this parish, where Romish Pamphlets are diligently dispersed up and down, and where, during my predecessor's incapacity many years through lameness and sickness, &c., the Romish priests made a plentiful harvest. Many families amongst us are but half Protestant; the husband of one and the wife of

<sup>1</sup> Commissary Henderson's Letter to the Bishop, March 13, 1732.—(*Perry Papers*, p. 302.)

the other persuasion. The women who are Papists and inter-marry with Protestant husbands, make it a part of their contract that all their daughters shall be brought up in the Romish faith. The number of Papists are supposed now to exceed the Protestants at least 3 to one in this colony.”<sup>1</sup>

These abuses can hardly be ascribed to the salaries of the ministers, for in 1741 the Rev. Mr. Jones writes to the Bishop of London: “Your Lordship’s most laudable zeal in the cause of sound Christian Faith and vestal encourages me to presume you will not take my officiousness amiss in acquainting you hereby that tho’ there is as competent a maintenance established on the Clergy of Maryland as (perhaps) in any other part of the British dominions, the benefices being, one with another, worth at least £200 per annum sterling, and there being about 36 parishes; yet the great remissness or mean capacity of some and the notorious immoralities of others of my brethren here give great offence to many devout people, and occasion a contempt of the clergy amongst many of the laity; of which our Jesuits and the champions of dissentious enthusiasm, deism, and libertism (with all which we abound) make no small advantage, especially seeing these sons of Eli are permitted to persevere with impunity, and without

<sup>1</sup> Rev. Arthur Holt, St. Mary’s Co.—(*Perry Papers*, pp. 317-318.)

censure or admonition.”<sup>1</sup> This prosperous condition of the clergy of the Establishment is further corroborated by a later report, which says: “That the clergy of Maryland are better provided for than the clergy in any other colony, and that they are less respectable is not to be controverted; being subject to less restraint than other men, they in the same proportion are less guarded in their morals. I speak of their general character, for there are some of the sacred order who are men of worth and merit.”<sup>2</sup>

The establishment of the Episcopal Church had now been in operation for nearly half a century. It will be of interest to learn from the leading clergyman at the time, the results that had been accomplished. In 1750 Rev. Thos. Bacon thus sums up the situation. “Infidelity has indeed arrived to an amazing and shocking growth in these parts; and ’tis hard to say whether ’tis more owing to the ignorance of the common people, the fancied knowledge of such as have got a little smattering of learning, or misconduct of too many of the clergy, especially in this Province. Religion among us seems to wear the face of the country; part moderately cultivated, the greater part wild and savage. . . . Here indeed the infidels seem to triumph and the misbehavior of some weak and

<sup>1</sup> *Perry Papers*, p. 323.

<sup>2</sup> Case of the Maryland Clergy. (*Perry Papers*, p. 339.)

(I wish I could not say) scandalous brethren lies open to the eyes and understanding of the meanest and most illiterate, furnishes the evil-minded among them with a plausible objection to the truth of Christianity drawn from the open practice of its professed defenders, makes others careless about the knowledge or means of religion—leads many of them into corrupt or at least sceptical principles—and leaves some simple well-meaning people a prey to the emissaries of the Church of Rome, or to the enthusiasm of the *New Light* and other *Itinerant* preachers who not long ago were very numerous, especially in the parts bordering on Pennsylvania; which multiplies the labors and afflictions of the more regular honest pastors, who are grieved to see the kingdom of Satan and separation from the Church thus promoted, and their mouths stopped from any reply to such scandalous notorious matters, as are every day to be objected from that quarter. In this unhappy Province where we have no Ecclesiastical Government, where every clergyman may do what is right in his own eyes, without fear or probability of being called to account, and where some of them have got beyond the consideration even of common decency, vice and immorality as well as infidelity must make large advances; and only the appearance of a Bishop or Officer armed with proper powers of

suspension, . . . seems capable of giving a check to their further progress.”<sup>1</sup>

The same testimony is given about this time by two other clergymen of the Establishment. Messrs. Jones and Addison writing to the Lord Bishop of London (Aug. 27th, 1753) say, “that not only clergymen made of the lowest of the people, have been inducted, but, being under no jurisdiction, they have done what seemed good in their own eyes, to the greatest scandal and detriment of our holy religion, for from hence the Jesuits stationed among us have reaped no small advantage; from hence the enthusiasts and schismatics, rambling up and down the Provinces, seeking whom they may seduce, have too much prevailed on the wavering and ignorant; from hence those that sit in the seats of the scorner have proselyted too many to Deism; from hence many professed members of our Church have degenerated into lukewarmness by regard to the doctrines of those whose persons they hold in the utmost contempt; and from hence, by the vicious examples and indiscreet behaviour of such teachers, too many have been patronized in immoral courses.”<sup>2</sup> “No wonder,” says Rev. Dr. Hawks, “that such a bastard establishment as that of Maryland was odious to so many of the people; we think their

<sup>1</sup> August 4, 1750.—(*Perry Papers*, p. 324.)

<sup>2</sup> *Perry Papers*, p. 331.

dislike is evidence of their virtue. It deserved to be despised for it permitted clerical profligacy to murder the souls of men."<sup>1</sup>

This deplorable condition one might expect to see remedied after a few years especially as the attention of the authorities in England had been called to it. No evidences of improvement, however, are apparent. We find a minister regularly receiving the allowance of 30 lbs. of tobacco forced from Presbyterians, Quakers, Catholics and other dissidents, even whilst the clergyman was in prison escaping the punishment of a murderer.<sup>2</sup> The "scandalous behaviour," the "notorious badness," "immoral conduct," the "abandoned and prostituted life and character" of some of the ministers, was such that Governor Sharpe proposed to bond them in order "to prevent for the future the complainings against lives and examples of the clergy."<sup>3</sup>

<sup>1</sup> *Ibid.*, pp. 236-237.

<sup>2</sup> *Letters of Gov. Sharpe*, I, p. 38; also vol. III, p. 504.

<sup>3</sup> *Letters of Gov. Sharpe*, I, pp. 30, 60, 69, 61.

"That [law]," says Gov. Sharpe, "for the regulation of the clergy was occasioned by the scandalous behaviour of some of that rank, over whom his Lordship may think proper to exert his authority, lest the example of their lives should lessen the influence of the whole order; at this time one Parson Cook, after escaping with great difficulty the fate of a murderer, receives as punctually his 30 per poll in prison as if he was duly attending the duty of his function, such instances as this I shall endeavor to prevent for the future by taking bonds for good behaviour from

Lord Baltimore, though an Episcopalian, disapproved of the plan to bond the clergy, giving as his reason that it "may occasion controversy with them and the Bishop of London."<sup>1</sup> Thus the

the clergy before presentation. In that other Bill 'for preventing the farther growth of Popery' I am persuaded many things will appear to you somewhat extravagant; but I should be glad to receive your advice what notice I might take of a more moderate bill if offered respecting persons of that profession."—(Gov. Sharpe to Calvert; *Correspondence*, vol. I, p. 38 and vol. III, p. 504.)

"If his Lordship approves of their [the clergy] being required before induction to sign such bonds as I have enclosed copies of, I will proceed as often as occasions offer, and hope it will effectually prevent for the future any complainings against lives and examples of the clergy. If I could obtain permission, I would by some removals of a few of the Order to livings a little more considerable than those they now enjoy, bring them under the like regulation and prevent the possibility of their future immoral or vicious conduct."—(*Cor. of Gov. Sharpe*, vol. I, p. 60; see also *Correspondence*, vol. III, p. 507.)

"I have taken the liberty to enclose to your Lordship the copy of a letter I lately received from the Rector of Coventry parish in Somerset County, a person of a most abandoned and prostituted life and character, which I apprehend he was incited to write to me by my refusal to grant him a *Nolo Prosequi* to prevent his being punished according to law for marrying persons without license. Your Lordship will perceive what sentiments he entertains of any superior authority, but if your Lordship should be pleased to take any step for his suspension or removal, the whole parish will gladly transmit me attestations of his notorious immoral behaviour by which he has forfeited not only the character of a clergyman, but even of a Christian."—(*Correspondence of Gov. Sharpe*, vol. I, p. 69.)

<sup>1</sup> *Letters of Gov. Sharpe*, I, p. 129.



condition of affairs remained unchanged. Clergymen "degraded in England for gross immorality,"<sup>1</sup> "leading notoriously scandalous lives," one with a pistol defying his enemies from the pulpit, served the Colonial Church in Maryland.<sup>2</sup>

These letters throw some light also on the manner of conducting the free schools which the Episcopal Church had established at the expense of the colony. Mr. Addison, writing to the Lord Bishop of London (Oct. 29th, 1766), gives the following account of James Colgrave, a minister who was appointed master of a free school. "He is a native of Ireland, and hath been a good many years in America, where by his own account, he hath lived a vagrant life, strolling from place to place thro' most of the colonies upon the continent. He kept a house of public entertainment for some time at Philadelphia, of no good repute, I have reason to believe. He was likewise in the army here, particularly at the siege of Louisbourg, where he belonged to the train of artillery. The war being over, and strolling about as he had been accustomed to do, he came to Maryland, and was appointed master of the Free School of the County of Prince George, in which I live. Here he married a wife who left him in a week's time, apprehending her life to be in danger from his vio-

<sup>1</sup> Hawks, p. 338.

<sup>2</sup> Meerness, pp. 443 and 451, quoting *Md. Gazette*, 1768; *Letters of Governor Sharpe*, III, p. 432.

lences. She had much reason for he is an abandoned drunkard, and when drunk an outrageous madman. He remained with us about five or six months, and having got in debt left us abruptly, in other words, ran away, and I was in hopes I should have heard no more of him forever. Your Lordship will judge what was my surprise and indignation upon receiving a letter from London informing me that he was in holy orders.

“Such was his conduct before he was ordained; and your Lordship shall hear that his change of character wrought no change of manners in him. Upon his arrival from England, he officiated in the Parish where he had before resided, and immediately after the service got drunk, and behaved in the most outrageous manner to the scandal and grief of the friends of the Church of England, and to the triumph of its enemies. He officiated again at Annapolis, the metropolis of this Province, where the congregation, as I was well informed, thro’ indignation at his unworthy character, in a good measure deserted the Church. Having made a short stay here, where he met with no countenance, and having prevailed with his wife, against the sense of all her friends, to accompany him, he went to North Carolina, where, together with a parish, he enjoys a small appointment of £20 per annum from the Society; how worthily, your Lordship from this detail will judge.”<sup>1</sup>

<sup>1</sup> *Perry Papers*, pp. 333-334.

In a sermon preached in 1771, the Rev. Jonathan Boucher thus describes the conditions of the colonial schools: "In a country containing not less than half a million souls (all of them professing the Christian Religion, and a majority of them members of the Church of England, living, moreover under a British government and under British laws, a people further advanced in many of the refinements of polished life, than many of the large districts of the Parent State, and in general thriving if not opulent), there is yet not a single College and not a single school with an endowment adequate to the maintenance even of a common mechanic. What is still less credible is, that at least two-thirds of the little education we receive are derived from instructors who are either indented servants or transported felons. . . . When I said that two-thirds of the persons now employed in Maryland in the instruction of youth were either indented servants or convicts, the assertion was not made at random, nor without as much authentic information as the case would admit of. If you enquire who and what the other third are, the answer must be, that in general, they are aliens and in *very few* instances, members of the Established Church. . . . Mark the conduct of the various Sectaries springing up amongst us. They not only plant their schools in any place where they have the most distant prospect of success, but they have conducted their interest with such deep

policy that, (as was observed of the Jesuits in Europe), they have almost monopolized the instruction of your youth. Of our American colleges only two, I think, are professedly formed on the principle of the Established religion.”<sup>1</sup>

It is gratifying to find that the people did not always imitate the example of their pastors. Rev. Dr. Chandler, writing to the Bishop of London (Oct. 21st, 1767), speaks of the people of the Southern part of the Eastern Shore as sober and orderly. The livings are generally worth £300 sterling, some of them £500. “The general character of the clergy, I am sorry to say, is most wretchedly bad. It is readily confessed that there are some in the province whose behaviour is unexceptionable and exemplary, but their number seems to be very small in comparison, they appearing like here and there lights shining in a dark place. It would really, my Lord, make the ears of a sober heathen tingle to hear the stories that were told me by many serious people, of several Clergymen in the neighborhood of the parish where I visited, but I still hope that some abatement may fairly be made on account of the prejudice of those who related them. The inhabitants look upon themselves to be in a state of the cruelest oppression with regard to ecclesiastical

<sup>1</sup> Rev. J. Boucher, *A View of the Causes and Consequences of the American Revolution*, pp. 183-191.

matters. The churches are built and liberally endowed entirely at their expense, yet the proprietor claims the sole right of patronage, and causes induction to be made without any regard to the opinion of the parishioners; those who are induced are frequently known to be bad men even at the very time, and others soon show themselves to be so after induction. There is no remedy, as they cannot be removed, not even by the highest exertion of Proprietary power.”<sup>1</sup>

It was a grievous hardship indeed that all the colonists,—Presbyterians, Quakers, Catholics and the rest—were compelled to contribute to the support of parsons who were drunkards, adulterers and suspected murderers.<sup>2</sup> During the early years of the colony when a clergyman, like the Apostle, was expected to work for his bread as well as preach the Gospel, few Episcopalian ministers ventured to Maryland; but now when the government provided most liberally for them, they came in greater numbers.

It must be remembered that the Act of 1702 imposing 40 lbs. of tobacco yearly upon every taxable was “for the encouragement of faithful and able ministers labouring in the work of the Gospel.”<sup>3</sup>

While this distressing state of affairs prevailed among the clergy at large, it is consoling to find

<sup>1</sup> *Perry Papers*, pp. 334-335.

<sup>2</sup> *Sharpe's Letters*, III, pp. 480, 507.

<sup>3</sup> Bacon's Laws, cap. I, sec. III.

some notable exceptions to the general rule. The Commissary, Dr. Bray, seems to have been a man of unblemished life and desirous of remedying the abuses prevalent among his brethren. If his zeal outran his charity, and if he sometimes mistook the promptings of bigotry for divine inspiration, if in his burning desire for the 'promotion of Christian knowledge, and the propagation of the Gospel,' he practically denied to all outside the pale of the Church of England the name of Christian, and belief in the word of God, if he not only refused to accord others equal rights and advantages in their form of worship, by bringing about legislation whereby all dissenters from the Anglican Church were taxed for its support, if horror of Papists, with the 'perversions of Popish priests' so disturbed his waking hours and his dreams by night, it was doubtless because, like so many other good men, he suffered from a certain mental obliquity of vision and moral colour-blindness. His ambition as a man was merged in that of the churchman, and self-aggrandizement seems to have had no place in a nature entirely given over to desire for the building up of the Anglican communion upon the ruins of all others.<sup>1</sup> There were a few others, like Commissary Henderson, Rev. Thomas Bacon, and Rev. Alexander Adams of

<sup>1</sup> Cfr. *Rev. Thomas Bray*, Bernard C. Steiner, *Md. Hist. Fund. Pub.* No. 37.

Somerset County, who appear to have led regular lives. As for the great majority, the only selvage of religion they seem to have retained in their spiritual make-up was an intense and blind animosity towards the Catholic Church, and all others who did not agree with them.

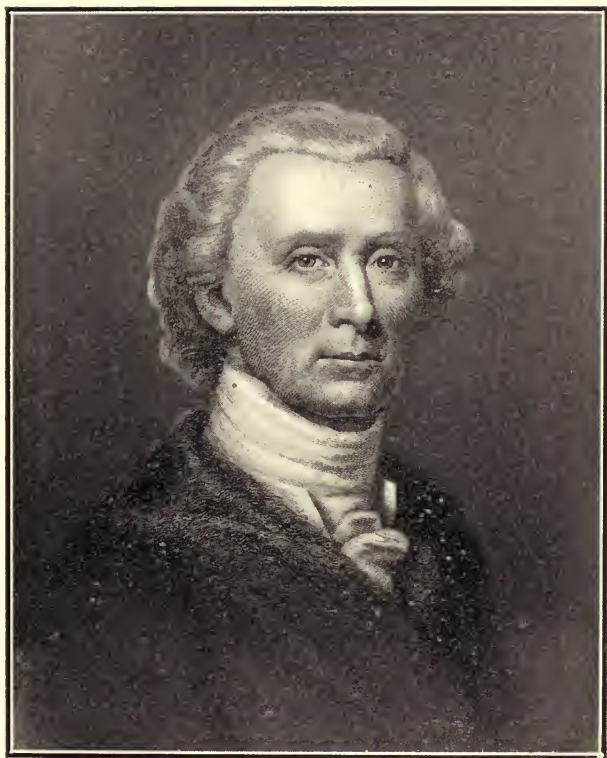
The history of the Episcopal domination in Maryland shows, what has before been observed, that the cruel laws against Catholics and the flagrant abuses of position should not be laid at the door of the whole Episcopal body. It may be asserted without fear of contradiction that the worst features in this dark age of Maryland's history must be fathered on the ministers and the less educated portion of the Episcopal Church. The educated class of the Anglican laity has, in fact, always shown an inclination to a more liberal, catholic spirit.

## CHAPTER XXIII.

But a new era was beginning to dawn for the colonists in America, and especially for the Catholics. Before the last quarter of the 18th century, there loomed up on the political horizon what proved to be a pillar of fire to the American patriot, but a cloud darkly ominous to the adherent of the mother country. The Stamp Acts of 1765 and 1767 had developed in the people of the colonies a determination to uphold their rights as British subjects not to be taxed without representation.<sup>1</sup>

<sup>1</sup> The first attempt of the English government to tax the colonies of America was in 1696, when a discussion as to the propriety of this plan was started in England, the purpose finding many advocates as well as enemies. Those against it held that as the colonies had no representatives in Parliament to consent to the measure, the home government was without right to force it upon the American dependencies. From that day the question never completely died out, being revived in discussion from time to time. After the Treaty of Paris (1763), however, England determined to replenish her coffers, which had been depleted by her European Wars,—by taxing the colonies, giving as a specious reason that it was for the “raising of a revenue for defraying the expenses of defending, protecting and securing his Majesty’s dominions in America.” This measure raised a veritable storm of indignation throughout the colonies, and the opposition was so violent, the attitude of the people so menacing, that the British government repealed the Act in 1766. Another reason for the tax was the de-





*Charles Carroll of Carrollton*



In this dispute Maryland took a leading part and held out for the principle even after New York, Philadelphia and Boston had yielded.<sup>1</sup> About the time that the second Act levying a duty on tea alone (1770) was passed, the people of Maryland were called on to take up the struggle for the same principle which was being violated by the Proprietary government. "A Republican spirit appears generally to predominate," says an eye-witness of the time.<sup>2</sup> This "Republican spirit" which had been growing during the life of Charles, the fifth Lord Baltimore,<sup>3</sup> on account of the burdensome taxes, at length produced an open rupture between the officials of the Proprietary and the people.

Frederick, the last Lord Baltimore, more intent upon deriving profit from the colony than in consulting the welfare of his people, was a constant source of irritation to Governor Eden, his brother-in-law, as he had been to Governor Sharpe, spurring him on continually to create sinecures for

termination of England to maintain a standing army in America, to waken the colonists from any possible dreams of future self-government and independence, and foreseeing that the people would refuse to support these troops thus quartered upon them, England conceived the idea of defraying this expense also by the Stamp tax.

<sup>1</sup> McMahon, p. 375.

<sup>2</sup> William Eddis, *Letters From America*, 1769-77.

<sup>3</sup> *Calvert Papers*, II, pp. 73-77-129.

the friends of the Proprietary.<sup>1</sup> The people of Maryland, at first restive under the unjust and unbearable tax upon their resources, occasioned by the furnishing of these perquisites for the Proprietary's adherents, at last resolved to put an end to this method of extortion.<sup>2</sup> In consequence, after a heated dispute between the two Houses, the Assembly of 1770 adjourned without renewing the law of 1763, which was the Act determining these objectionable fees.<sup>3</sup> "From the reports of this period, these complaints appear to have been justly founded."<sup>4</sup> The law of 1702 requiring 40 lbs. of tobacco per poll for the support of the Anglican clergy, had been amended as we have seen, reducing the tax to 30 lbs. This last act, and the act regulating fees and perquisites expired in 1770. The clergy and their friends contended that the amended act of 1763 providing 30 lbs. per poll having expired, the old act of 1702 exacting 40 lbs. per poll was revived.<sup>5</sup>

<sup>1</sup> *Archives*, VI, pp. 127, 206; *Calvert Papers*, II, pp. 122-241; Cfr. also *Maryland's Attitude in the Struggle for Canada*, J. H. U. Studies, 10th Series, J. W. Black.

<sup>2</sup> Eddis, pp. 120-5; *Calvert Papers*, II, p. 225.

<sup>3</sup> Laws of Maryland, 1751-1763.

<sup>4</sup> The annual fees of the Land Office averaged 407,276 lbs. of tobacco, or 6,876 dollars, and those of the commissary's office 235,428 lbs. of tobacco, or 3,923 dollars.—(McMahon, pp. 382-383.)

<sup>5</sup> If persons preferred to pay in specie, the rate was 12 shillings and sixpence currency, or 8s. 4 pence sterling, the hundred weight.

The incumbents were generally in comfortable and respectable circumstances. The parishes in the Province numbered forty-five at this time, the steadily growing population rendering the benefices more and more valuable.<sup>1</sup>

By the action of the Assembly refusing to re-enact the law of 1763, Governor Eden found himself in a vexatious position. On one side were the grasping Proprietary, the Anglican clergy, and the officials of the government; and on the other, the recalcitrant representatives of the people. In this dilemma he decided upon a course which at the time seemed most disastrous, but proved to be the occasion in Maryland for a decided advance in the development of the idea of popular government. The Governor issued a Proclamation (November, 1770) by which he re-established the Fee Bill.<sup>2</sup> Notwithstanding the personal popularity of the Governor, who had won the respect and admiration of all by his affability and graciousness, this Proclamation shook the Province to its very depths. Half-formed principles, thoughts and theories in solution, plans and purposes in the

<sup>1</sup> All-Saints Parish was estimated to yield £1,000 sterling per annum.—(*Eddis' Letters*, pp. 47-9; McMahon, p. 398.) The revenues of the Proprietary at this period averaged £12500 a year.—(*Eddis*, p. 125; *Calvert Papers*, II, pp. 207, 214, 220.)

<sup>2</sup> Steiner, *Sir Robert Eden*, pp. 42 et seq.; Rowland, *Life of Charles Carroll of Carrollton*, p. 98; McMahon, p. 383.

germ, at the touch of the edict assumed with magical swiftness perfection of growth and completeness of form. Parties were formed for and against the political dogmas in question; there was no longer any middle course, and each man was a partisan. The great line of demarcation was drawn at last, and the Episcopal clergy with the officials were arrayed against the people.

To defend the position taken by Eden, Daniel Dulany, the Secretary of the Province, began a series of letters in the *Maryland Gazette* of Jan. 7th, 1773. The first letter of Dulany, signed "Antillon," was a dialogue between "First Citizen" and "Second Citizen," the latter defending the Proclamation, the former attacking it. As "First Citizen" was a man of straw, Dulany managed the argument to further the cause of the administration. He had a few years before taken the side of the colonies against the mother-county, on the question of the Stamp Act.<sup>1</sup> Up to the time of the Proclamation he had been the most popular and prominent man in the province. He was styled the 'Pitt of Maryland.' The principle for which Dulany contended in the Stamp Act, was identical with the principle for which the people now held out against the colonial government. It was to his interest, however, to be with the colonists in the first instance and against them

<sup>1</sup> *Taxes in the British Colonies*, D. Dulaney, 1765.

in the second. He was deriving a handsome salary from the objectionable fees.

The people were bitterly opposed to the measure, their liberties were down-trodden, ridden over roughshod by those who held the reins of government; but protest as they might, complain and rail against these high-handed measures as they did, there seemed to be none capable of championing their cause. Their one-time leader had forsaken them in their need, deserting to the enemy. Then it was that the disfranchised Catholic, Charles Carroll of Carrollton, entered the lists for the people. With the manacles of intolerance still binding him, he took the lead in the struggle for the people's rights, and while still shut out from participation in the government, he wrested from the foremost Protestant in the colony the rights of freemen for the very Protestants who had denied these rights to himself and his fellow Catholics, and would have driven, not long since, both him and them from the colony their fathers had founded.

Mr. Carroll came of a family which had settled in Maryland during the last part of the seventeenth century.<sup>1</sup> His grandfather Charles Carroll arrived in the colony while it was yet a Proprietary province, and after it passed under royal jurisdiction, the third Lord Baltimore appointed him his Agent and Receiver General. His son Charles Carroll, inherited from his father a large

<sup>1</sup> Cfr. Appendix U.—Colonial Carrolls.

fortune and a position of influence, especially among his co-religionists. Charles Carroll of Carrollton was born at Annapolis, September 20th, 1737. He received his education at the Jesuit College of St. Omer's in France, studied law in that country and afterwards, in England. In 1764 he returned to Maryland to find the colony seething with the political excitements of that period. Disabled in many ways by the laws, on account of his religion, he at once took the part of the people, throwing all the weight of his wealth and commanding influence, as well as his learning, into the cause of liberty and independence, and finally when the crisis was reached he crossed swords with Dulany, the one-time champion, but now a traitor to the people's cause. Equally matched in education, Mr. Dulany had the advantage which years, experience, political position and his relation to the government assured him. A powerful Protestant, the distinguished Secretary of a Protestant Province on the one side, and on the other, the disfranchised Catholic shut out from all participation in the civil affairs of that Province, measured their strength in this momentous conflict.<sup>1</sup>

<sup>1</sup> Mr. Carroll was "a gentleman of independent fortune, perhaps the largest in America—a hundred and fifty, or two hundred thousand pounds sterling."—(*Works of John Adams*, II, p. 380.) "His fortune the first in America."—(*Ibid.*, III, p. 60.)



Mr. Carroll wrote in answer to "Antillon," signing himself "First Citizen." Four letters were written on either side and when, in July, the last letter of "First Citizen" appeared, the people's cause was overwhelmingly triumphant. Mr. Carroll had the satisfaction of realizing that, ostracized as he was on account of his faith, he was in truth the "first citizen" of the province. In this vindication of the people's rights, Carroll refrained from attacking the Governor. It was a line of argument made necessary by the temper of the times. Being a Catholic, his enemies would have probably accused him of attacking the Divine right of kings, so extended under the Tudors and their successors. How different from the days of the Catholic administration, when the laws of Cecilius, "Absolute Lord of Maryland" were set aside by the Catholic colonists and their action agreed to by the Catholic Proprietary, who seems to have recognized their action as according to Catholic doctrine and tradition.<sup>1</sup>

<sup>1</sup>"The Cortes of Spain, were accustomed to tell their sovereign at the opening of the assembly, 'that each one of them was equal to himself, and all united were more than his equal.' . . . In those days the 'divine right of monarchy' never entered into the heads of men. Even in the eighth century, Pope Zachary writing to the people of France says, 'the Prince is responsible to the people, whose favour he enjoys. Whatever he has—power, honour, riches, glory, dignity,—he has received from the people. . . . The people make the king, they can unmake him.' St. Thomas

The contention of Carroll was that fees were taxes and, as such, could only be levied by the vote of the people's representatives. In the course of the controversy, Dulany made the ungenerous argument that Carroll was *disfranchised* and not to be trusted. Carroll writes:<sup>1</sup> "I am as averse to having a religion crammed down people's throats as a proclamation. These are my political principles, in which I glory." Dulany answers: "Papists are distrusted by the law, and laid under disabilities." To which Carroll replies: "They cannot, I know, (ignorant as I am), enjoy any place of profit or trust while they continue Papists; but do these disabilities extend so far as to preclude them from thinking and writing on matters merely of a political nature?"

Aquinas, one of the greatest divines of the Church in any age, lays down in his principles of theology, that Civil Governments are not by 'Divine right' but by 'human right,' and that 'when anything is to be enacted for the common good, it ought to be done either by the whole multitude of the people or by their representative.' Even Bellarmine says, 'it is false that political princes have their power from God only: for they have it from God only so far as he has planted a natural instinct in the minds of men, that they should wish to be governed by some one. But whether they should be governed by kings or consuls—by one or by many—by a perpetual or temporary magistrate, depends on their own wishes.'—(Archbishop Hughes, *Lecture on "The Civil and Ecclesiastical Power in the Governments of the Middle Ages," Catholic Cabinet*, 1843, pp. 660-61.)

<sup>1</sup> Letter iv.

WE REMEMBER, AND WE FORGIVE," says Carroll, "we Catholics who think we were hardly treated on occasion, *we* still remember the treatment, though our resentment hath entirely subsided. . . . To what purpose was the threat thrown out of enforcing the penal statutes by proclamation? Why am I told that my conduct is very inconsistent with the situation of one who 'owes even the *toleration* he enjoys to the favour of the government?' If by instilling prejudices into the Governor, and by every mean and wicked artifice, you can rouse the popular resentment against certain religionists, and bring on a persecution of them, it will then be known whether the toleration I enjoy, be due to the favour of the government or not. That you have talents admirably well adapted to the works of darkness, malice to attempt the blackest, meanness to stoop to the basest, is too true." <sup>1</sup>

Thus did the Catholic, ostracised by his fellow-Protestants, with the bonds of bigotry still upon him, do battle in the cause of the people, Protestant and Catholic alike. He was stigmatized as a Catholic and a Jesuit, was referred to in *Green's Gazette* as "one who doth not enjoy the privilege of offering his puny vote at an election," and as "this patriotic nurseling of St. Omer's." <sup>2</sup> The clergy of the Established Church, of course, took

<sup>1</sup> Rowland, I, pp. 358-9.

<sup>2</sup> McMahon, p. 391.

sides against Carroll. "The press of the colony," says McMahon, "abounds with publications demonstrating their poverty, and sometimes denouncing, sometimes supplicating the resisters of their claims."<sup>1</sup> But Carroll "had now established a rank and influence in the province at large, which rendered him prominent in its councils and operations in the consummation of independence which was soon to follow."<sup>2</sup>

When the election of Mr. Hammond and Mr. Paca, the opponents of the Proclamation, was announced, and the polls were closed, the people eagerly proposed that funeral obsequies should be held over the Proclamation which they had so hated, fought, and now finally defeated. Accordingly a cortège moved with it to the gallows where, amidst the firing of minute guns and the beating of muffled drums, the famous Proclamation of the Governor was interred, and the death knell of Episcopalian intolerance in Maryland was sounded.

In the meantime Frederick, Lord Baltimore, had died (1771). He was the last of the Lords Baltimore. Having no legitimate heirs, his proprietary rights he bequeathed to Henry Harford, his illegitimate son. Of Frederick Calvert Morris says: "A fast young man, and did not

<sup>1</sup> McMahon, p. 399.

<sup>2</sup> *Ibid.*, p. 392.

live to be an old one. His memory is not precious, and his deeds were anything but meritorious. . . . A man universally known to be one of the most licentious of his times.”<sup>1</sup> “He was,” says Browne, “a degenerate scion of a noble stock, a selfish and grasping voluptuary, who cared only for his Province, which he never visited, as a source of revenue for his pleasures. He added his name to the list of noble authors by an indifferent book of travels, and came near adding it also to the list of noble criminals, by figuring as the traverser in a discreditable trial for felony, of which, however, he was acquitted.”<sup>2</sup> Hall says of him, that he was “a selfish, disreputable and dissolute degenerate, neither ability nor character was even respectable. It is to be observed” continues the same writer, “with respect to the six Calverts who successively held the title of Baron of Baltimore, as it was transmitted from father to son, that the first three appear, so far as records can indicate, to have been happy in their domestic lives; while the last three were each of them either separated from their wives, or divorced.”<sup>3</sup> . . . The student of vital statistics would note one fact which is to be gathered from the dates of the birth and death of the several Lords Baltimore.

<sup>1</sup> Morris, *Lords Baltimore*, pp. 53-4.

<sup>2</sup> Browne, p. 217.

<sup>3</sup> The first three were Catholics, the others were Episcopalians.

The duration of the lives of the first three Barons was fifty-two, sixty-nine and eighty-five years, respectively, an average of nearly sixty-nine,—almost the three score years and ten allotted to man. The ages at death of the last three were thirty-seven, fifty-two and thirty-nine,—an average of forty-three years. The degeneracy was apparently physical, as well as moral and mental.”<sup>1</sup>

As events progressed towards the Revolution, much of the old intolerant spirit towards Catholics disappeared. The need was felt of placating them in order to present a united opposition to the mother-country. It is something of a novelty to hear words of commendation of Catholics from the lips of a Protestant clergyman, but one publicly acknowledged that “in Maryland, the Catholics have all the respectability which good birth, respectable connections, and good estates can confer. They are not, moreover (as we are) distracted and enfeebled by sects and parties.”<sup>2</sup>

The reason for this change of front on the part of the Episcopal clergy is apparent in the fact that it became all important at this time to enlist

<sup>1</sup> Hall, p. 172-3.

<sup>2</sup> Rev. Jonathan Boucher, A. M., “*A View of the Causes and Consequences of the American Revolution*,” 1763-75; Diocesan Library of the P. E. Church, Baltimore.

if possible the sympathies of the Catholics in the cause of royalty. Mr. Boucher was, of course, on the royalist side, dependent for his "living" upon the continuation of the royal government, which meant a continuation of the Episcopal establishment. An effort was therefore made to have the Catholics take sides with the established government. To this end, the Anglican laity must by all means be taught at this juncture to assume towards the Catholics a friendly attitude. But in order to win over the Episcopalians, who had for so long been taught by their ministers that Catholics were monsters, they must first be taught to lay aside their long cherished prejudices.

"Unwilling," says the same minister, "to repeat grievances I endeavour to forget the long series of oppressions and wrongs which these unfortunate people have suffered among us. Hardly a book or an article of religion has been written, hardly a sermon on any controverted point has been preached, hardly any public debate or private conversations have been held on the subject of religion or politics in which (in the strong phrase of a noted Divine of the last century) the parties have not contrived '*a thwack at Popery.*' We have exhibited them as some of their own Communion are wont to exhibit those they call heretics in an auto-da-fé, in a horrid dress disfigured with monsters and devils, or as one Emperor of Rome, distinguished for his cruelty, is said to have ex-

hibited the primitive Christians, when he wrapped them in the skins of beasts, and threw them into the arena to be devoured by lions.”<sup>1</sup> . . .

<sup>1</sup> Rev. J. Boucher, p. 263.

“The ill-treatment,” he says again, “which they everywhere received from us is everywhere disgraceful; but it more particularly ill becomes the people of this Province which was settled by Catholics. It was granted to a Papist avowedly that Papists might here enjoy their religion unmolested. Differing from colonists in general, the first settlers of Maryland were, with very few exceptions, persons of family and fortune, and this too is the character of their descendants who still possess some of the best of the lands and best fortunes in the Province. Restrained from many of the means of showing their regard for their country, they are yet, as far as it is in their power, as desirous and as ready to promote its welfare as any other of its inhabitants. I am sure they have reason to be so, for their all is at stake in it, and I know of nothing in their religion that necessarily makes them hostile either to their own interests or those of the public. If they have not hitherto been, or are not now so active as some other descriptions of men are, in what are called patriotic exertions, they have not only the common apology of other quiet and orderly persons, that they conceive themselves in this case to be at liberty to follow their own private judgments, and that they do not think such self-commissioned exertions either necessary, wise or just; but they may also allege that they are restrained by laws to which they submit from a sense of duty. . . . In the hard measure thus dealt out to this people we first make the offence and then punish it. To justify our rigour towards them, we pretend that by their education, modes and habits of thinking, they are disqualified from exercising certain offices of citizenship, from which, therefore, we exclude them.”—(Rev. Jonathan Boucher, *A View of the Causes and Consequences of the American Revolution*, 1763-1775, pp. 290-92.)



“If any man of an unprejudiced and ingenuous mind, forgetting for a moment that he is either a Protestant or a Papist, will sit down and read the Popish controversy, I can almost answer for his rising up with this conviction strongly impressed on his mind, that Protestants have hardly shown themselves more superior in point of argument (*sic*) than Papists have in good temper and good manners. When Catholics write or speak of Protestants, we are always mentioned with decency, if not with respect: whereas we very rarely notice them without bestowing upon them some harsh and offensive epithet.”<sup>1</sup>

So long indeed had the Protestants been accustomed to call the Catholics by names intended to insult them, that this minister, even when he was thus trying to win the favor of Catholics, inadvertently committed the very fault he was condemning.<sup>2</sup>

<sup>1</sup> Rev. Jonathan Boucher, *ibid.*, p. 282.

<sup>2</sup> “The descendants of those great men in the old times before us, the Papists of our times are no longer in any capacity of emulating the greatness of their ancestors; but their fortitude under trials of peculiar poignancy is almost as unexampled as their oppressions; and their acquiescence under a long series of accumulated wrongs, is such an instance of true patriotism as entitles them to the highest respect. With a patient firmness of character, worthy of all praise and all imitation, they have long submitted to such injuries and indignities, as their high-spirited forefathers would have ill-brooked; and such as their undegenerate posterity would not endure, were it not

From a sermon delivered by the same clergyman in 1774 we have an excellent description of the attitude of Catholics at this time. “. . . The Catholics of Maryland (who were at that time both in point of property and respectability of no ordinary weight in the community) seemed to hesitate, and to be unresolved what part they should take in the great commotions of their country which were then beginning. Their principles, no doubt led them to side with the government,

that they have the wisdom and the virtue to respect the laws more than their own personal feelings. Everything most dear to the human heart has been torn from them, excepting their attachment to their religion, and their determination to love and bless those fellow-subjects, who unmindful of the duties resulting from their religion, and unmoved by so endearing an example, foolishly and wickedly continue to regard Papists as Samaritans, with whom they resolve to have no dealings.”—(Boucher, *ibid.*, p. 289.)

“If there is one principle which the Catholic Church inculcates with more earnestness than another, it is the Christian doctrine of obedience. As long, therefore, as they are consistent with their religion, they must be friends of settled government, and adverse to Revolution and rebellion, no less inclined to defend Republicanism when it is the established form of government under which they live, as in the Catholic Cantons of Switzerland,—than they are to defend monarchy in France, Spain and Portugal. And surely, as loyal subjects, the people of those countries are blameless. . . . Their sufferings prove, at least, their sincerity. And the sacrifices they still make for conscience’ sake of many worldly advantages, is such an instance of firmness in conscientious adherence to what they believe to be the truth, as it must be allowed cannot be said of their oppressors.”—(Boucher, *ibid.*, p. 277.)

whilst their inclinations, and (as they then thought) their interest made it their policy to be neutral. . . . The persons in America who were most opposed to Great Britain had also, in general, distinguished themselves by being particularly hostile to Catholics; but then, though Dissenters and Republicans were their enemies, the friends of government could hardly be said to be their friends. In America, if they joined the Government, all they had to look for was to be bitterly persecuted by one party and to be defeated by the other. Hence for some time they appeared to be wavering and undetermined. This irresolution drew down upon them many suspicions, censures and threats. . . . At length a Catholic gentleman who was possessed of one of the first fortunes in the country (in short, the Duke of Norfolk of Maryland), actuated, as was generally thought, solely by his desire to become a public man, for which he was unquestionably well qualified, openly espoused the cause of Congress. Soon after he became a member of that body. This seemed to settle the wavering disposition of the Catholics in Maryland; under so respectable a leader as Mr. Carroll, they all soon became good whigs, and concurred with their fellow-revolutionists in declaiming against the misgovernment of Great Britain.”<sup>1</sup>

<sup>1</sup> Rev. Jonathan Boucher, *Preface to Sermon preached in 1774*, pp. 242-3.

The Convention of Maryland met at Annapolis in June, 1774. Charles Carroll of Carrollton, was one of the most active members of this body. The Convention concluded its session December the twelfth with the following appeal to the people: "As our opposition to the settled plan of the British administration to enslave America, will be strengthened by a union of all ranks of men within this province, we do most earnestly recommend that all former differences about religion or politics, and all private animosities and quarrels of every kind, from henceforth, cease, and be forever buried in oblivion; and we entreat, we conjure every man, by his duty to his God and his country, and his posterity, cordially to unite in defence of our common rights and liberties." <sup>1</sup>

In the stirring times that followed, Charles Carroll took a prominent part. He was a member of the "Committee to propose a Declaration of Rights, and a Form of Government for this State." The committee incorporated in the 'Declaration' that principle of religious liberty which had been proclaimed in Maryland by the first Catholic settlers 142 years before—a principle always in operation while the Catholic Proprietors were in power, always in abeyance when

<sup>1</sup> Proceedings of Convention of the Province of Maryland held at Annapolis, 1774-76, p. 10; Baltimore, 1836; cfr. also *The Provincial Government of Maryland*, John Archer Silver, J. H. U. Studies, 13th series.

the government was in the hands of Puritan or Prelatist. As formulated, however, by the Maryland Convention, it was not the perfect expression of religious toleration arranged for and desired by Lord Baltimore, for while he allowed all churches and established none, the law-makers of 1776 provided for the continued support of the Anglican Institution.<sup>1</sup>

<sup>1</sup>Article XXXIII, of the Maryland 'Declaration of Rights:' "That it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the Christian religion are equally entitled to protection in their religious liberty, wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless under color of religion any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute unless on contract, to maintain any particular place of worship, or any particular ministry; yet the legislature may in their discretion lay a general and equal tax for the support of the Christian religion, leaving to each individual the power of appointing the payment over of the money collected from him, to the support of any particular place of worship or minister; or for the benefit of the poor of his own denomination, or the poor in general of any particular county; but the churches, chapels, glebes and all other property now belonging to the church of England ought to remain in the Church of England forever. And all Acts of Assembly lately passed for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force and be executed, until the Legislature shall by Act supersede or repeal the

## CHAPTER XXIV.

Fortune seemed to favor the American patriots in 1775. They had captured Ticonderoga, Crown Point, St. John's, Chamblay and Montreal. Montgomery was besieging Quebec, when on the last day of the year the gallant hero fell. It became of the utmost importance to the Americans to form an alliance with Canada, or, at least, prevail on the Canadians to preserve neutrality. At this time there were 150,000 Catholics, and only 360 Protestants in the Province of Quebec.<sup>1</sup>

The politic conduct of England at this time conduced to make the Canadians loyal, for after the cession of Canada to England, Parliament had

same; but no county Court shall assess any quantity of tobacco or sum of money hereafter, on the application of any vestryman or churchwardens; and every minister of the Church of England who hath remained in his Parish and performed his duty shall be entitled to receive the provision and support of the Act entitled, 'An Act for the Support of the Church of England in this Province' till the November Court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish and performed his duty."—(Proceedings of Maryland Convention, pp. 314-15.)

<sup>1</sup>*Journal of Charles Carroll of Carrollton, during his Visit to Canada*, p. 20. In 1774, there were in Quebec the Bishop and 126 priests.

passed (June 13th, 1774) the famous "Quebec Act" by virtue of which England restored to the Canadian Church the rights that were hers when under the dominion of France. This act of Parliament was the cause of an outburst in the United Colonies of fanaticism and bigotry of feeling accompanied with a vitriolic intensity of expression, almost without parallel. The whole country was aroused at the thought of the outrage perpetrated by England in thus countenancing the Catholic Church in Canada, when it was in the power of the British government to destroy that hated institution of Popery root and branch. The recognition of the Church and the payment of revenues to her clergy by all-conquering England was chaos come again in the eyes of the dissenting colonists. Mass-meetings were held in all the towns; speeches, proclamations, appeals and remonstrances poured forth, eloquent with the outrage thus offered to the tender-conscienced ones. At a meeting in Boston on September 6, 1774, it was resolved "That the late Act for establishing the Roman Catholic Religion in that extensive country called Quebec, is dangerous in an extreme degree to the Protestant religion, and to the civil rights and liberties of all America, and therefore, as men

<sup>1</sup> Quebec Act, see *Canadian Archives*, edited by Adam Short, p. 401. Ottawa, 1907.

and Protestant Christians we are indispensably obliged to take all measures for our security.”<sup>1</sup>

From one who speaks with authority comes the following in proof of the Colonial trend of opinion: “The affair of Canada is still worse. The Romish faith is made the established religion of the land, and his Majesty is placed at the head of it. The free exercise of Protestant faith depended upon the pleasure of the Governor and Council. The Parliament was not content with introducing arbitrary power and Popery into Canada with its former limits, but they have annexed to it vast tracts which surround the Colonies. Does not your blood run cold to think an English Parliament should pass an act for the establishment of arbitrary power and Popery in such an extensive country. If they had any regard to the freedom and happiness of mankind they would never have done it. If they had been friends to the Protestant cause, they never would have provided such a nursery for its great enemy. They would never have given such encouragement to Popery. The thought of their conduct in this particular shocks me. It must shock you, too, my friends. Beware of trusting yourselves to men who are capable of such an action. They may as well establish Popery in New York and the other colonies as they did in Canada. They had no more right

<sup>1</sup> *Journal of Congress*, I, pp. 34-35; See Appendix Y.



to do it there than here. Your lives, your property, your religion, are all at stake.”<sup>1</sup>

The press of the country expressed its opinion and showed the tendency of its sympathies by printing countless letters from its “foreign correspondents,” which mirrored the intolerant attitude and gave expression to the bigotry of the different colonies.<sup>2</sup>

<sup>1</sup> Alexander Hamilton, *A Full Vindication of Measures of Congress from Calumnies of their Enemies*, p. 26.

<sup>2</sup> “. . . This popish Act (Quebec Bill) which is worse in tendency than the Stamp Act, or the Jew Bill.”—(Letter from Warsaw, *Maryland Gazette*, October 13, 1774.)

“It is the only statute which has been passed these two hundred years to establish Popery and arbitrary power in the British dominions.”—(London Letter in *Maryland Gazette*, September 8th, 1774.)

“The plausible pretext for the Quebec Bill is, that at the time of the peace the inhabitants of Canada were assured that they should enjoy their religion and their ancient laws; they have rested satisfied under these assurances ever since to the present time; and whence (says the correspondent) the forwardness of the present ministry to establish Popery by an Act of Parliament in the dominions of a Protestant Prince? The people of Canada took the King’s word, and were satisfied with the toleration, and what but Toryism would satisfy the Canadians with the Romish religion and the French Laws? Where were my Lords, the Bishops? Where were all those who have denied upon oath the many damnable doctrines and positions of the See of Rome, when the consciences of the Canadians were assigned over to the dominion of the Pope?”—(London Letter, in *Maryland Gazette*, Sept. 8th, 1774.)

“There is no doubt but that every encouragement that can be possibly afforded to these licenced slaves, these

The feelings of the country were voiced by Congress which in its "Address to the People of Great Britain" put on record expressions in opposition to the Quebec Act which afterwards were the occasion of much regret.<sup>1</sup> It declared that the Act "is not only unjust to the people in that Province but dangerous to the interests of the Protestant religion and ought to be repealed."<sup>2</sup> It is resolved that its repeal "is essentially necessary to restore harmony between Great Britain and the American colonies. . . . That this Act establishing the Roman Catholic religion in the Province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger from a total dissimilarity of religion, law and government of the neighboring British colonies, by the assistance of whose blood and treasure the said colony was conquered from France."<sup>3</sup>

But now at this juncture of events, a change of front was thought expedient on the part of the American colonies. At the very time when the tide of fanaticism, of religious fury and hatred against the Catholic Canadians was at its height, Con-

children of popery supported by a Protestant Court, will be guaranteed in order to subdue those headstrong colonists who pretend to be governed by English laws."—(London Letter of June 5th, in *Maryland Gazette*, September 18, 1774.)

<sup>1</sup> See Appendix Y.

<sup>2</sup> *Journal of Congress*, I, p. 70.

<sup>3</sup> *Ibid.*, pp. 71-2.

gress addressed to them the following appeal: "We are too well acquainted with the liberality of sentiment distinguishing your nation, to imagine that difference of religion will prejudice you against a hearty amity with us. You know that the transcendent nature of freedom elevates those who unite in her cause above all such low-minded infirmities. The Swiss Cantons furnish a memorable proof of this truth. Their union is composed of Roman Catholic and Protestant states, living in the utmost concord and peace with one another, and thereby enabled, ever since they vindicated their freedom, to defy and defeat every tyrant that has invaded them. . . . That Almighty God may incline your minds to approve our necessary and equitable measures, to add yourselves to us . . . and may grant to our joint exertions an event as happy as our cause is just, is the fervent prayer of us, your sincere and affectionate friends and fellow-subjects." <sup>1</sup>

On the 15th of February, 1776, Congress appointed a Committee of three to proceed to Canada for the purpose of enlisting the sympathy of the Canadians, or at least to prevail upon them to preserve neutrality. This Committee was composed of Benjamin Franklin, Samuel Chase, and

<sup>1</sup>*Journal of Congress*, I, pp. 112-113, October 26.—(See Appendix Y.)

Charles Carroll of Carrollton.<sup>1</sup> Mr. Carroll did not become a member of Congress until after his return from Canada, but was at that time in Philadelphia in close touch with the members of that body. By a special resolution of Congress, Mr. Carroll was desired to "prevail on Mr. John Carroll [afterwards Archbishop] to accompany the Committee to Canada to assist them in such matters as they should think useful."<sup>2</sup> It was expected that Rev. Dr. Carroll would exercise a potent influence upon the Bishop and clergy, and through them the laity, of Canada.

An interesting draught of a letter of Dr. Carroll reviewing his ideas upon the subject, shows that while he was ready to sacrifice himself for the good of his country, he hesitated to mingle in politics on account of his religious character, and furthermore because it was clear to him that the mission from which so much was hoped, would be undoubtedly a failure. The Canadians had sworn to be loyal to the British government and they had no excuse, such as the Americans had, to justify a revolution. Obedience to established authority is a doctrine inculcated by the Catholic Church, and while Dr. Carroll was willing to serve his country in persuading the Canadians to take no

<sup>1</sup> *Journal of Charles Carroll, of Carrollton*, edited by Brantz Mayer, p. 18; quoting *Journal of Congress*, II, p. 62, ed. 1800.

<sup>2</sup> *Journal of Charles Carroll*, p. 18.

active part against the Americans, it is clear from his words that he had no intention of prevailing on them to take arms against the mother-country which had faithfully kept its promises.<sup>1</sup>

<sup>1</sup>Dr. Carroll writes: "The Congress has done me the distinguished and unexpected honor of desiring me to accompany the Committee ordered to Canada, and of assisting them in such matters as they shall judge useful. I should betray the confidence put in me by the Honourable Congress, and perhaps disappoint their expectations were I not to open my mind to them with the utmost sincerity, and plainly tell them how little service they can hope to derive from my assistance. In the first place, the nature and functions of that profession in which I have engaged from a very early period in life, render me, as I humbly conceive, a very unfit person to be employed in a negotiation of so new a kind to me, of which I have neither experience nor systematical knowledge. I hope I may be allowed to add, that though I have very little regard to my personal safety amidst the present distress of my country, yet I cannot help feeling for my character; and I have observed that when the ministers of religion, leave the duties of their profession to take a busy part in political matters, they generally fall into contempt, and sometimes even bring discredit to the cause in whose service they are engaged. Secondly—From all the information I have been able to collect concerning the State of Canada, it appears to me that the inhabitants of that Country are no wise disposed to molest the United Colonies, or prevent their forces from taking and holding possession of the strong places in that province, or to assist in any manner the British arms. Now if it is proposed that the Canadians should concur with the other colonies any further than by such neutrality, I apprehend that it will not be in my power to advise them to it. They have not the same motives for taking up arms against England which

Whatever his own opinions were upon the subject, we know that he obeyed the call of his country and accompanied the Committee. Thus on this important legation of Congress composed of Franklin, Chase, and the Carrolls, we find two Catholics, who had been but a short while before deprived of the privileges of citizenship on account of their religion. As Dr. Carroll had surmised the Canadians were prepared to remain neutral, but all hope of assistance from them proved futile. One of the causes of this failure to induce Canada to join arms with the United colonies was the inevitable and logical result of the intolerant expressions in the colonies. The Canadians could not accustom themselves to the lightning-change in the attitude of their neighbors, and the facing-both-ways of those who at one moment reviled and at another cajoled them. After the insulting expressions used in their regard by Congress, they were not disposed to

renders the resistance of the other colonies so justifiable. If an oppressive mode of government has been given them it was what some of them chose, and the rest have acquiesced in. Or if they find themselves oppressed they have not yet tried the success of petitions and remonstrances, all which ought, as I apprehend, to be ineffectual before it can be lawful to have recourse to arms and change of government. Thirdly—Though I were able to bring myself to think (which as objects now appear to me I really cannot) that the Canadians might lawfully take up arms and concur with”—the draught of the letter stops abruptly here. —(Original Ms., Archbishopal Archives, Baltimore.)

either listen to or believe the protestations and affectionate appeals made to them by this body in almost the same breath. It savored too much of blowing hot and blowing cold. England had treated them with justice and humanity, had with a large-minded policy grappled the Catholic Canadians to her cause by assuring to them their ancient rights and in respecting their religion.

It is difficult to understand how the people of the American colonies could have imagined it possible to win over Canada to a union with them against Great Britain, when at every turn they outraged her people in what was dearer to them than life. How Congress could have fancied that their real sentiments so publicly expressed in the form of Addresses and Petitions to England would remain a secret from the Canadians, is not easy to comprehend.

“The address from the Continental Congress attracted the attention of some of the principal Canadians; it was soon translated into very tolerable French. The decent manner in which the religious matters were touched, the encomiums on the French nation, flattered a people fond of compliments. They begged the translator, as he succeeded so well, to try his hand on that addressed to Great Britain. He had equal success in this, and read his performance to a numerous audience. But when he came to that part which treats of the new modeling of the Province, draws a picture of

the Catholic religion and Canadian manners, they could not control their resentment, nor express it but in broken curses. ‘ Oh, the perfidious double-faced Congress. Let us bless and obey our benevolent Prince, whose humanity is consistent, and extends to all religions; let us abhor all who would seduce us from our loyalty, by acts which would dishonor a Jesuit, and whose addresses, like their resolves, are destructive of their own objects.’ ” <sup>1</sup>

Thus while Maryland sent her two Catholic sons to win the good will or at least the neutrality of Canada in the great struggle, we see how their efforts were balked by the narrow bigotry of the Americans themselves.

After this unsuccessful journey to Canada, the Commissioners returned to Congress to find that body discussing the question of independence.

It was with reluctance that the colonists finally severed the ties which bound them to the mother-country. Chase and Carroll were for independence, and were mortified to find on their return that the Maryland delegates to Congress were still restricted by the instructions of the Maryland Convention “ to disavow in the most solemn manner all design in the colonies of independence.” It was a critical moment, no time was to be lost, the destiny of the country might depend upon the

<sup>1</sup> American Archives, II, p. 231.



votes of any one colony, and the honour of Maryland was at stake. The time for temporizing, the time for clinging to forlorn hopes of ultimate union again with England was over and past, the smallest delay might be the means of depriving Maryland of the glory and renown of declaring for Independence. Mr. Carroll drove to Annapolis, took his seat in the Convention, and by every argument, by his persuasive eloquence, by the power of his influence, by entreaty and pleading, and the inspiration of his splendid courage, compelled the timid delegates to revoke their former instructions and to send their representatives to the Congress committed to Independence.<sup>1</sup>

Mr. Carroll was appointed a delegate to Congress, and took his seat July 4th.<sup>2</sup>

When Mr. Carroll arrived to take his seat, Congress had decided on Independence, and although

<sup>1</sup> Cfr. *Lives of the Signers*, James Tyson.

<sup>2</sup> "From the earliest symptoms of discontent, Mr. Carroll had foreseen the issue, and made up his mind to abide by it. Once when conversing with Samuel Chase in 1771 or 1772, the latter remarked: 'Carroll, we have the better of our opponents,—we have completely written them down.' 'And do you think,' Mr. Carroll asked, 'that writing will settle the question between us?' 'To be sure' replied his companion, 'what else can we resort to?' 'The bayonet,' was the answer. 'Our arguments will only raise the feelings of the people to that pitch when open war will be looked to as the arbiter of the dispute.'"—(*Latrobe's Life of Charles Carroll, in Biog. of The Signers*, VII, p. 246-7.)

he had not been able to take part in the deliberations which led to that consummation, he gladly took upon himself the responsibility of the act and signed the Declaration. At that time when the patriots throughout the country awaited with grim patience the action of their delegates in convention assembled at Philadelphia, when with trepidation not a few of the delegates looked forward with sad misgivings to the outcome of their action, it was then, placing in jeopardy his fortune and his life, without fear or hesitation, the one-time disfranchised Catholic, but now the honored champion of the peoples' rights and of religious liberty, signed, with bold hand,—Charles Carroll of Carrollton.<sup>1</sup>

To Charles Carroll wrote Secretary Adams (1824): "Permit me to felicitate you and the coun-

<sup>1</sup> The story that he first signed Charles Carroll and afterwards added of Carrollton to distinguish himself from others of that name is only legendary. He always signed his name Charles Carroll of Carrollton. Thus it appears in all MSS. and books in the Archiepiscopal Library, Balto.

The Declaration of Independence was adopted on the fourth of July, but not signed until the second of August. We learn from the secret journals of Congress that it was not until the nineteenth day of July that it was resolved to engross the Declaration on parchment; this was done and the signatures were affixed upon the date above mentioned. Mr. Carroll was among the first of the members of Congress present to subscribe his name.—(Cfr. Latrobe's *Life of Charles Carroll of Carrollton*, p. 254-5.)

try which is reaping the rewards of your labors, as well that your hand was affixed to that record of glory, as that after the lapse of near half a century, you survive to receive the tribute of reverence and gratitude from your children, the present fathers of the land.”<sup>1</sup>

<sup>1</sup>Latrobe's *Life of Charles Carroll of Carrollton*, p. 256.

## CONCLUSION.

None had more reason to rejoice over the outcome of the struggle for independence than the Catholics of Maryland. The Federal Constitution submitted to the Convention of 1787 contained but one utterance upon the subject of religion, (VI, 3): "No religious test shall ever be required as a qualification to any office or public trust under the United States." The first Congress of the United States added ten amendments to the Constitution, the first of which is: "Congress shall make no laws respecting the establishment of religion or prohibiting the free exercise thereof."

Thus after a century and a half, marked at times by bloodshed, often by cruelty and for the most part disgraced by selfish intolerance, the people of America had learned the lesson first taught by the Catholic Lords Baltimore and the Catholics of St. Mary's, and there is to-day no article of the Constitution more jealously guarded, more lovingly cherished than that which embodies the practice of religious freedom so faithfully observed in the early days of Catholic Maryland.

The election of George Washington was the occasion of great joy to the Catholics of Maryland

and the other united colonies. To give voice to these sentiments, the Catholics presented to the Father of his Country the following address: "Sir—We have long been impatient to testify our joy and unbounded confidence in your being called by an unanimous vote to the first station of a country in which that unanimity could not have been obtained without the previous merit of unexampled services, of eminent wisdom and unexampled virtue. Our congratulations have not reached you sooner because our scattered situation prevented our communication and the collecting of those sentiments which warmed every breast. But the delay has furnished us with the opportunity, not merely of presaging the happiness to be expected under your administration, but of bearing testimony to that which we experience already. It is your peculiar talent in war and peace to afford security to those who commit their protection into your hands. In war you shield them from the ravages of armed hostility; in peace you establish tranquility by the justice and moderation, not less than by the vigor of your government. By example, as well as by vigilance, you extend the influence of laws on the manners of our fellow-citizens. You encourage respect for religion, and inculcate by words and actions that principle on which the welfare of nations so much depends, that a superintending Providence governs the events of the world and watches over

the conduct of men. Your exalted maxims and unwearied attention to the moral and physical improvement of our country have produced already the happiest effects. Under your administration America is animated with zeal for the attainment and encouragment of useful literature. She improves her agriculture, extends her commerce and acquires with foreign nations a dignity unknown to her before. From these happy events, in which none can feel a warmer interest than ourselves, we derive an additional pleasure by recollecting that you, sir, have been the principal instrument to effect so rapid a change in our political situation. This prospect of national prosperity is peculiarly pleasing to us on another account; because whilst our country preserves her freedom and independence, we shall have a well-founded title to claim from her justice, the equal rights of citizenship as the price of our blood spilt under your eyes and of our common exertions for her defence, under your auspicious conduct—rights more dear to us by the remembrance of former hardships. When we pray for the preservation of them, where they have been granted—and expect the full extension of them from the justice of those States which still restrict them—when we solicit the protection of Heaven over our common country, we neither omit nor can omit recommending your preservation to the singular care of Divine Providence, because we conceive no human means are so avail-

able to promote the welfare to the United States as the prolongation of your health and life, in which are included the energy of your example, the wisdom of your counsels and the persuasive eloquence of your virtues.”<sup>1</sup>

To this address Washington graciously replied:

“GENTLEMEN:

“While I now receive with much satisfaction your congratulations upon my being called by an unanimous vote, to the first station in my country, I cannot but duly notice your politeness in offering an apology for the unavoidable delay. As that delay has given you an opportunity of realizing, instead of anticipating, the benefits of the general government, you will do me the justice to believe that your testimony of the increase of the public prosperity enhances the pleasures which I should otherwise have experienced from your affectionate address. I feel that my conduct in war and in peace, has met with more general approbation than could reasonably have been expected; and I find myself disposed to consider that fortunate circumstance, in a great degree, resulting from the able support and extraordinary candour of my fellow-citizens of all denominations. The prospect of national prosperity now before us is truly animating, and ought to excite the exertions of all good men to establish and secure the happiness of

<sup>1</sup>Address of the Catholics of America to Washington, Archbishopal Library, Baltimore.

their country, in the permanent duration of its freedom and independence. America, under the smiles of a Divine providence,—the protection of a good government,—and the cultivation of manners, morals and piety, cannot fail of attaining an uncommon degree of eminence, in literature, commerce, agriculture, improvements at home and respectability abroad. As mankind become more liberal they will be more apt to allow, that all those who conduct themselves as worthy members of the Community are equally entitled to the protection of civil government. I hope ever to see America among the foremost nations in examples of justice and liberality. And I presume that your fellow-citizens will not forget the patriotic part which you took in the accomplishment of their revolution and the establishment of their government, or the important assistance which they received from a nation in which the Roman Catholic faith is professed. I thank you, Gentlemen, for your kind concern for me. While my life and my health shall continue, in whatever situation I may be, it shall be my constant endeavour to justify the favorable sentiments which you are pleased to express of my conduct. And may the members of your society in America, animated alone by the pure spirit of Christianity, and still conducting themselves as the faithful subjects of our free government, enjoy every temporal and spiritual felicity.

GEORGE WASHINGTON.”



The private sentiments of Dr. Carroll may best be understood from a letter addressed about this time to Lord Petre: “. . . Your lordship,” he says, “is solicitous to see Catholics emancipated from the cruel bondage under which they have been long held here, and no equitable government, I may add no government which has risen superior to the mean and despicable prejudices of a narrow and interested education, will support the policy of that bondage after they know the justice and political advantages of not only a free toleration, but of extending equal rights to the professors of all religions. The daily advantages arising to America from this policy should be a lesson to Britain, which, in other instances of law, government, trade, etc., furnishes so many useful instructions to us. . . .”<sup>1</sup>

Whatever may have been Jefferson’s sentiments towards the Catholic Church prior to the Revolution, the following letter to Archbishop Maréchal in 1820 sufficiently proves his favorable regard at that time.

*Monticello, January 17, 1720.*

“VENERATED SIR:

“. . . Your letter is my first information of the death of the worthy Cardinal Dugnani. An intimate acquaintance with him of several years at

<sup>1</sup> Aug. 31st, 1790, original in Archiepiscopal Archives, Baltimore.

Paris, had proved to me the excellence of his character, and after my return I received many testimonies of his continued friendship, on which I placed a just and cordial value. I sincerely regret his loss. Having been consulted by him while at Paris, by instruction of the Pope, previous to his making the appointment of Bishop Carroll to the See of Baltimore, and given the assurance that he was perfectly free to make such an establishment without offence to our institutions or opinions, I received an assurance in the name of His Holiness, that any youths of our country who might wish to visit Rome for their education, should be under his protection and free from all question or molestation in their religious faith, and I had proofs of attention to this through Cardinal Dugnani, on the return of some youths who had been there for their education. With my thanks for the communication of your acceptable pastoral letter, be pleased to accept the homage of my high veneration and esteem.

THOMAS JEFFERSON." <sup>1</sup>

We have traced the course of religious toleration in Maryland from the first settlement in 1634 until the adoption of the Constitution of the United States. One fact appears prominently throughout and as we have seen is indisputable; that Catholics were ever the friends of toleration.

<sup>1</sup> Original in Archiepiscopal Archives, Baltimore.

Even when the Protestants had overturned the benign government of the Catholic Proprietaries and refused toleration to their benefactors, we find no indication of vindictiveness when the Catholics again returned to power. They seemed indeed to remember but to forgive. Nowhere in the world shall we find a more noble example of generosity and christian charity on the part of a persecuted people than is shown by the colonial Catholics of Maryland.

“The Catholics of our generation,” says Cardinal Gibbons,<sup>1</sup> “have nobly emulated the patriotism and the spirit of toleration exhibited by their ancestors. They can neither be accused of disloyalty nor of intolerance to their dissenting brethren. In more than one instance of our nation’s history, our churches have been desecrated and burned to the ground; our convents have been invaded and destroyed; our clergy have been exposed to insult and violence. These injuries have been inflicted on us by incendiary mobs animated by hatred of Catholicism. Yet in spite of these provocations, our Catholic citizens, though wielding an immense numerical influence in the localities where they suffered, have never retaliated. It is in a spirit of just pride that we can affirm that hitherto in the United States no Protestant house of worship

<sup>1</sup> *Faith of our Fathers*, p. 276.

or educational institution has been destroyed, nor violence offered to a Protestant minister, by those who profess the Catholic faith. God grant that such may always be our record."

If the question is asked what will be the attitude in the future of the rapidly increasing Catholic people of this country on any subject pertaining to the welfare of our country and especially to religious liberty, we can proudly point to the past. As in the past, so in the future, the Catholics of America may be relied on to maintain the principles first proclaimed in the land by Cecilius Calvert, the second Lord Baltimore, and afterwards embodied in the Constitution of the United States; and if (*quod Deus avertat*) persecution should again arise against us, may we be able to repeat the words of the noble Carroll, expressive of the generous patience and charity of our forefathers: WE REMEMBER AND WE FORGIVE.

## APPENDIX.

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### APPENDIX A.

#### PENAL LAWS.

James ascended the throne in 1603, and in 1604 an act was passed putting into execution the Statutes of Elizabeth against Recusants, Jesuits and Seminary priests.—(1 Jac. 1 cap. iv.—Statutes of the Realm; *Journal of the House of Lords*.)

In 1605, as a result of some negotiations with the Vatican, James was suspected of a sympathetic leaning towards Rome, therefore to nullify these suspicions and to prove himself guiltless of such heterodoxy, he allowed the penal laws to be put more strongly in force against the Catholics; (Gardiner, I, pp. 224-227, 228-29) and as a result, in a short time between five and six thousand were adjudged Popish recusant convicts, surrendering two-thirds of their estates, being subjected to immense fines, and the forfeiture of their personal property, in many instances.—(*Ibid.*). The revenues of these sequestered lands became the perquisites of the hangers-on of the Court; for instance, “the profits of the lands of two recusants were granted to a footman, and this was by no means an isolated case.”—(Gardiner, I, p. 230.) To such a height had the tide of popular hatred of the Catholics reached, that it was considered a cause of bitter disappointment and sorrow that the eagerly longed for execution of the priests might not after all take place.—(*Ibid.*). In 1606, as a result of the Gunpowder plot new penal laws were enacted, against recusants,—an Act for the better repressing of Popish Recusants was passed. (3 & 4 Jac. 1. cap. 4.) By this ordinance the Sacramental test was required: a fine of £20 each month or two-thirds of the Recusant's lands was forfeited until he conformed: a fine of £20 for all over sixteen years of age who refused to attend the Established Church, or a forfeiture of two-thirds of their lands, also power given to the King to refuse the fine of £20 and seize the lands at will. A fine of £20 a month was exacted of those who were possessed of large estates. At the accession of James there were not more than 16 whose landed

interests were large enough to allow them to escape thus easily. Upon the less wealthy fell the harder exaction of a forfeit of two-thirds of their lands, the revenues of which passed into the King's treasury, though as a great concession enormous fines were accepted by the commissioners. Those without estates were mulcted of their personal property.—(Cfr. Gardner, I, pp. 96-97.) It was felony to serve a foreign prince; it was adjudged high treason to reconcile anyone to the Church of Rome; and a forfeit of £10 for any servant or stranger in one's house refusing to attend the Church of England service. (3 Jac. I, cap. 4; Statutes of the Realm. An additional Act was passed 'To avoid dangers which might grow from Popish Recusants.' (1606.)

By this it was ordered that anyone discovering anyone relieving any Jesuit or Seminary priest, or shall discover Mass being said, on the conviction of the priest shall have one-third part of the forfeiture of all sums of money which shall be forfeited by such offence: Popish recusants coming into Court or the King's house shall be fined £100, and for not attending Divine service, or dwelling within the city of London, or ten miles of the city, shall forfeit the sum of £100: No recusant shall practise the common law, nor shall be Councillor, clerk, attorney, solicitor, proctor, nor shall practise the art of physic, the trade of apothecary, nor shall be judge, clerk, steward, minister, in any Court, shall not bear office in the army, nor have charge of any ship, castle or fortress, fine £100: No Popish Recusant convict, or one having a wife a popish recusant convict shall exercise any office in the Commonwealth: Every married woman being a Popish recusant convict (her husband not standing convicted) who shall not conform one year before the death of her husband, shall forfeit two parts of her jointure and two parts of her dower, be disabled from becoming executrix, or administratrix of her husband, and shall forfeit all her right to his goods and chattels: Every Popish recusant shall be disabled from seeking redress in law: A man, recusant convict married except in Church and according to the Church of England shall be utterly disabled to have any estate or freehold in any of the lands of his wife, and every woman, a Popish recusant, so married shall be barred from claiming dower, inheritance or jointure,—the fine besides to be £100: For the non-baptism of a child in the Church of England, and for burying in any but a burial place of the Established Church, fines of £100 respectively: Popish children sent to foreign seminaries forfeit their inheritance to their Protestant next of kin; not permitted to exercise the offices of administrators or guardians, nor to undertake the

education of a child: For bringing into the country, buying, selling, printing Popish books, rosaries, catechisms, etc., 40s. fine for each article: It shall be lawful for any two justices of the peace to search any house and lodging of a Popish recusant convict for these articles, and to deface and burn them: Finally Recusants shall be disarmed.—(3 Jac. I, c. 5, Statutes of the Realm.)

Now that it was no longer possible for a Catholic to purchase immunity by the payment of a fine, and his estate could be seized at the King's pleasure, an excellent opportunity offered for the King's favorites to enrich themselves by obtaining from him the *gift* as it were of many of the wealthy Catholics. They were at liberty to use them as they chose, to exact from them large amounts of money in lieu of the confiscation of their lands. Lingard says, "There still exist in the State Paper Office returns made from the Signet Office of these grants, in language sufficiently indicative of their real nature. They are 'Notes of such recusants as His Majesty hath granted liberty to his servants to *make profit of*, by virtue of that power which His Majesty hath, to refuse the payment of twenty pounds per mensem, and in lieu thereof to extend three parts of their lands.'"—(Lingard, VII, p. 89, quoting Tierney, IV, App. p. xxv.) The Catholics were "farmed out" as it were, to those courtiers who had sufficiently insinuated themselves into the graces of the King.

Under Charles the severity of the persecution was somewhat mitigated, the King being forced thereto by Richelieu (Hallam, *Constitutional History*, p. 402.)

The King agreed, however, to the following Petition of Parliament, in 1625, That English children should be brought back from foreign Popish seminaries: No Recusant should come within the Court, nor be allowed in the Queen's household, nor to be a Keeper of the King's prisons: Recusants' land grants were to be void; they were to be removed from all places of trust; to retire to their several counties, and to remain within five miles of their place of abode; celebrating or attending Mass was forbidden.—(1 Car. I, *Rushworth's Collection*.) In 1627 was passed the Act by which anyone sending any child or person abroad to 'be popishly bred' lost all rights in law, could not be Executor, guardian, administrator, could receive no legacy, deed of gift, nor hold any office, was to forfeit all goods and chattels, lands and income during life. These penalties extended to the child sent abroad, and were only removable upon conforming to the Church of England and taking the Sacramental Test.—(III Car. I, Statutes of Realm.) In 1628, the penal laws were put in execution

against Recusants, Bishop Smith's arrest ordered; Priests ordered committed to jail without bail or mainprize, if convicted and execution respited, they were to be closely restrained, Jesuits taken at Clerkenwell removed to Newgate, one convicted: (1628, iv. Car. I, *Rushworth's Historical Collections*.) In 1629, Recusants were prosecuted, were to be seized in going to Ambassador's houses for Mass, only the Queen's household allowed in her chapel, Stat. 3 Jac. put in force against Recusants dwelling within 10 miles of London; Proclamation dissolving monasteries and convents, forbidding religious orders to teach, preach, Mass also interdicted; recusants assigned to State prisons. (v. Car. I, *Rushworth's Hist. Collections*.) Recusants were obliged to compound for their forfeitures, to raise money for the King's 'profit.'—(*Ibid.*) In the year 1634 "It concerned his Majesty to think of some other means than hitherto he had done to raise monies for his occasions for that the monies which were to come from . . . the compositions with the Recusants fell far short of expectation."—x, Car. I, *Rushworth Coll.*) In 1640, Recusants ordered indicted, removed from Court.—(xvi, Car. I, *Rushworth Coll.*) the burning of Popish books ordered, (xvi, Car. I, *Rushworth Coll.* III, p. 1180;) in 1641, penal laws put in execution, (xvii, Car. I, *Rushworth Coll.*) In 1642, no Popish Recusants permitted to serve in the army.—(xviii, Car. I, *Rushworth Coll.*)

## APPENDIX B.

### CALVERT PAPERS.

Abstract from the original Calvert Papers.

1628—III Charles I, 20 March.

Sir George Calvert, Lord Baltimore to his son Cecill Calvert, Sir Thomas Wentworth of Wentworth, Woodhouse, York, and Sir Francis Cottington of Harworth, Middlesex.

Conveyance in Trust.

Manor of Danby Wiske, Advowson of the Rectory of Danby Wiske, Mansion House Manor mill and Chapel of Kipling being part of the dissolved Monastery of St. Agatha of the Archdeanery of Richmond, lands in the Parish of Cathericke and Northeast Moore in Mouton near Richmond in North Riding, York, and all other lands of Sir George Calvert in England.

"Also all that the Advowson, donation, free disposition, right of patronage and presentation of the rectory of Danby aforesaid in the said countie of York, with all rights, members, appurtenances whatsoever and also of all and singular houses, buildings, hereditaments, barnes, stables, . . . tene-



ments, meadows, pastures, foodings, . . . privileges, gleebe, lands, tythes of . . . lambes and all other tythes whatsoever . . . as well spiritual and Temporall belonging to the said advowson and premises.

To keep these lands in the name and blood of Sir George Calvert and for £3,000 to be paid by Cecill Calvert, £1,000 on marriage and £2,000 after marriage.

Sir George Calvert grants these lands to be held for Cecill Calvert and his heirs male, then for his other sons, Leonard, George, Francis, Henry and Phillip, and their heirs male in priority of birth and failing these then for the right heirs of Sir George Calvert.

For this purpose Sir George Calvert and his wife Joan will levy a fine at Westminster on all the said lands to Wentworth and Cottington.

To the same persons Sir George Calvert and his wife will levy a fine at Dublin, on Manor of Cloghamon of 7,000 acres, Wexford, the Abbey of Downe and all other lands of Sir George Calvert in Ireland.

To be held for Sir George Calvert, during his life, and then for the same uses as his lands in England. Cecill Calvert can grant a jointure to his wife for term of her life out of the lands in England. If Cecill Calvert does not marry within a year from date and with the consent of Wentworth and Cottington, or if he does not pay the £3,000 to Sir George Calvert in manner aforesaid then this conveyance is void.

GEORGE BALTIMORE, (seal destroyed.)

*Philip Darnall—a witness.*

## APPENDIX C.

### CHARTER OF AVALON.

IV. Wee doe further give, and by this present Charter for us our heirs and successors, wee doe grante and confirme unto the said Sr. George Calvert his heires and Assignes all and singular the Islands and Iletts that are or shall be within Tenne Leagues from the Easternne Shoare of the said Region towards the East with all and singular Ports, harbours and Creekes of the Sea belonging unto the said Region or the Islands aforesaid. And all the Soile, Landes, Woods, Lakes, and Rivers scituate or being within the Region Isles or Limitts aforesaid, with the Fishings of all sortes of Fishe, Whales, Sturgions, and other Royal Fishes in the Sea or Rivers; and moreover all Veines, Mines and delues as well discovered as not discovered, of

Gold, Silver, Gemmes and precious Stones, and all other whatsoever be it of Stones, Metalls, or of any other thing or matter whatsoever found and to be found within the Region Iles and Limitts aforesaid. And furthermore the Patronages and Advowsons of all Churches which as the Christian Religion shall increase within the said Region Isles and Limits shall happen hereafter to be erected, Together with all and singular the like and as ample Right, jurisdictions, privileges, prerogatives, Royalties, Liberties, Imunities and Franchises whatsoever as well by Sea as by Land within the Region, Iles and Limits aforesaid. To have exercise, use, and enjoy the same, as any Bishop of Durham within the Bishoprick or County Palatine of Durham in our Kingdome of England hath at any time heretofore had, held, used, or enjoyed, or of right ought or might have had, held, used, or enjoyed.

XX. In witnesse whereof we have caused these our Letters to be made patents. Witnesse ourself at Westminster the seventh day of April, in the one and twentieth yeare of our Raigne of England, France and Ireland, and of Scotland the sixe and fifteth.

#### CHARTER OF MARYLAND.

CHARLES, by the grace of God, of England, Scotland, France, and Ireland, KING, Defender of the Faith, &c. To ALL to whom these presents shall come, GREETING.

II. WHEREAS our well beloved and right trusty subject CECILIUS CALVERT, Baron of BALTIMORE, in our kingdom of Ireland, son and heir of GEORGE CALVERT, knight, late Baron of BALTIMORE, in our said kingdom of Ireland, treading in the steps of his father, being animated with a laudable and pious zeal for extending the Christian religion, and also the territories of our empire, hath humbly besought leave of us, that he may transport, by his own industry and expense, a numerous colony of the English nation, to a certain region, herein after described, in a country hitherto uncultivated, in the parts of America, and partly occupied by savages, having no knowledge of the Divine Being, and that all that region, with some certain privileges and jurisdictions appertaining unto the wholesome government and state of his colony and region aforesaid, may by our royal highness be given, granted, and confirmed unto him, and his heirs.

III. KNOW YE, therefore, that WE, encouraging with our royal favour the pious and noble purpose of the aforesaid Barons of BALTIMORE, of our special grace, certain knowledge, and mere motion, have GIVEN, GRANTED and CONFIRMED, and by this our present CHARTER, for US,

our heirs and successors, do GIVE, GRANT and CONFIRM unto the aforesaid Cecilius, now Baron of Baltimore, his heirs and assigns, all that part of the Peninsula, or Chersonese, lying in the parts of America between the ocean on the east and the bay of Chesapeake on the west; divided from the residue there of by a right line drawn from the promontory, or head-land, called Watkin's Point, situate upon the bay aforesaid, near the river of Wigheo on the west, unto the main ocean on the east; and between that boundary on the south, unto that part of the bay of Delaware on the north, which lyeth under the fortieth degree of north latitude from the æquinoctial, where New England is terminated; and all the tract of that land within the metes underwritten—(that is to say,) passing from the said bay, called Delaware bay, in a right line, by the degree aforesaid, unto the true meridian of the first fountain of the river of Pattowmack, thence verging towards the south, unto the further bank of the said river, and following the same on the west and south, unto, a certain place called Cinquack, situate near the mouth of the said river, where it disembogues into the aforesaid bay of Chesapeake, and thence by the shortest line unto the aforesaid promontory, or place called Watkin's Point. So that the whole tract of land, divided by the line aforesaid, between the main ocean and Watkin's Point, unto the promontory called Cape Charles, and every the appendages thereof, may entirely remain excepted for ever to US, our heirs and successors.

IV. Also We do GRANT, and likewise CONFIRM unto the said Baron of BALTIMORE, his heirs and assigns, all islands and islets within the limits aforesaid, all and singular the islands and islets, from the eastern shore of the aforesaid region, towards the east, which have been, or shall be formed in the sea, situate within ten marine leagues from the said shore; with all and singular the ports, harbors, bays, rivers and straits belonging to the region or islands aforesaid, and all the soil, plains, woods, mountains, marshes, lakes, rivers, bays and straits, situate, or being within the metes, bounds and limits aforesaid, with the fishings of every kind of fish, as well of whales, sturgeons, and other royal fish, as of other fish in the sea, bays, straits or rivers, within the premises, and the fish there taken; and moreover, all veins, mines and quarries, as well opened as hidden, already found, or that shall be found within the region, islands or limits aforesaid, of gold, silver, gems and precious stones, and any other whatsoever, whether they be of stones, or metals, or of any other thing, or matter whatsoever; and furthermore, the PATRONAGES and ADVOWSONS of all churches which (with the increasing worship and

religion of CHRIST), within the said region, islands, islets and limits aforesaid, hereafter shall happen to be built; together with license and faculty of erecting and founding churches, chapels and places of worship, in convenient and suitable places, within the premises, and of causing the same to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of *England*; with all and singular such, and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities and royal rights, and temporal franchises whatsoever, as well by sea as by land, within the region, islands, islets and limits aforesaid, to be had, exercised, used and enjoyed, as any bishop of *Durham*, within the bishoprick or county palatine of *Durham*, in our kingdom of *England*, ever heretofore hath had, held, used or enjoyed, or of right could, or ought to have, hold, use or enjoy.

V. And WE do by these presents, for US, our heirs and successors, MAKE, CREATE and CONSTITUTE HIM, the now Baron of BALTIMORE, and his heirs, the TRUE and ABSOLUTE LORDS and PROPRIETARIES of the region aforesaid, and of all other the premises (except the before excepted) saving always the faith and allegiance and sovereign dominion due to US, our heirs and successors; to HAVE, HOLD, POSSESS and ENJOY the aforesaid region, islands, islets, and other the premises, unto the aforesaid now Baron of BALTIMORE, and to his heirs and assigns, to the sole and proper behoof and use of him, the now Baron of BALTIMORE, his heirs and assigns, for ever. To HOLD of US, our heirs and successors, kings of *England*, as of our castle of *Windsor*, in our county of *Berks*, in free and common SOCCAGE, by fealty only for all services, and not *in capite*, nor by knight's service, YIELDING therefore unto US, our heirs and successors, TWO INDIAN ARROWS of those parts, to be delivered at the said castle of *Windsor*, every year, on Tuesday in Easter-week; and also the fifth part of all gold and silver ore, which shall happen from time to time, to be found within the aforesaid limits.

VI. Now, that the aforesaid region, thus by us granted and described, may be eminently distinguished above all other regions of that territory, and decorated with more ample titles, KNOW YE, that WE, of our more special grace, certain knowledge, and mere motion, have thought fit that the said region and islands be erected into a PROVINCE, as out of the plenitude of our royal power and prerogative, WE do, for US, our heirs and successors, ERECT and INCORPORATE the same into a PROVINCE, and nominate the same MARYLAND, by which name WE will that it shall from henceforth be called.

VII. And forasmuch as WE have above made and ordained the aforesaid now Baron of BALTIMORE, the true LORD and PROPRIETARY of the whole PROVINCE aforesaid, KNOW YE therefore further, that WE, for US, our heirs and successors, do grant unto the said now baron, (in whose fidelity, prudence, justice, and provident circumspection of mind, WE repose the greatest confidence) and to his heirs, for the good and happy government of the said PROVINCE, free, full, and absolute power, by the tenor or these presents, to ordain, make, and enact LAWS, of what kind soever, according to their sound discretions whether relating to the public state of the said PROVINCE, or the private utility of individuals, of and with the advice, assent, and approbation of the free men of the same PROVINCE, or of the greater part of them, or of their delegates or deputies, whom WE will snall be called together for the framing of LAWS, when, and as often as need shall require, by the aforesaid now Baron of BALTIMORE, and his heirs, and in the form which shall seem best to him or them, and the same to publish under the seal of the aforesaid now Baron of BALTIMORE and his heirs, and duly to execute the same upon all persons, for the time being, within the aforesaid PROVINCE, and the limits thereof, or under his or their government and power, in sailing towards MARYLAND, or thence returning, outward-bound, either to *England*, or elsewhere, whether to any other part of our, or of any foreign dominions, wheresoever established, by the imposition of fines, imprisonment, and other punishment whatsoever; even if it be necessary, and the quality of the offence require it, by privation of member, or life, by him the aforesaid now Baron of BALTIMORE, and his heirs, or by his or their deputy, lieutenant, judges, justices, magistrates, officers, and ministers, to be constituted and appointed according to the tenor and true intent of these presents, and to constitute and ordain judges, justices, magistrates and officers, of what kind, for what cause, and with what power soever, within that land, and the sea of those parts, and in such form as to the said now Baron of BALTIMORE, or his heirs, shall seem most fitting; and also to remit, release, pardon, and abolish, all crimes and offences whatsoever against such laws, whether before or after judgment passed; and to do all and singular other things belonging to the completion of justice, and to courts, prætorian judicatories, and tribunals, judicial forms and modes of proceeding, although express mention thereof in these presents be not made; and, by judges by them delegated, to award process, hold pleas, and determine in those courts, prætorian judicatories, and tribunals, in all actions, suits, causes, and matters whatsoever, as well criminal as personal, real and mixed, and prætorian: Which said

laws, so to be published as abovesaid, WE will, enjoin, charge, and command, to be most absolute and firm in law, and to be kept in those parts by all the subjects and liegemen of US, our heirs and successors, so far as they concern them, and to be inviolably observed under the penalties therein expressed, or to be expressed. So NEVERTHELESS, that the laws aforesaid be consonant to reason, and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the laws, statutes, customs and rights of this our kingdom of *England*.

VIII. And forasmuch as, in the government of so great a PROVINCE, sudden accidents may frequently happen, to which it will be necessary to apply a remedy, before the freeholders of the said PROVINCE, their delegates, or deputies, can be called together for the framing of laws; neither will it be fit that so great a number of people should immediately on such emergent occasion, be called together, WE therefore, for the better government of so great a PROVINCE, do will and ordain, and by these presents, for US, our heirs and successors do grant unto the said now BARON OF BALTIMORE, and to his heirs, that the aforesaid now Baron of BALTIMORE and his heirs by themselves, or by their magistrates and officers, thereunto duly to be constituted as aforesaid, may, and can make and constitute fit and wholesome ordinances from time to time, to be kept and observed within the PROVINCE aforesaid, as well for the conservation of the peace, as for the better government of the people inhabiting therein, and publicly to notify the same to all persons whom the same in any wise do or may affect. Which ordinances, WE will to be inviolably observed within the said PROVINCE, under the pains to be expressed in the same. So that the said ordinances be consonant to reason, and be not repugnant nor contrary, but (so far as conveniently may be done) agreeable to the laws, statutes, or rights of our kingdom of *England*, and so that the same ordinances do not, in any sort, extend to oblige, bind, charge, or take away the right or interest of any person or persons, of, or in member, life, freehold, goods or chattels.

IX. Furthermore, that the new colony may more happily increase by a multitude of people resorting thither, and at the same time may be more firmly secured from the incursions of savages, or of other enemies, pirates, and ravagers: WE, therefore, for US, our heirs and successors, do by these presents give and grant power, license and liberty, to all the liege-men and subjects, present and future, of US, our heirs and successors, except such to whom it shall be expressly forbidden, to transport themselves and their families to the said PROVINCE, with fitting vessels, and suitable provisions, and therein to settle, dwell, and inhabit; and to build and fortify castles, forts, and other



places of strength, at the appointment of the aforesaid now Baron of BALTIMORE, and his heirs, for the public and their own defence; the statute of fugitives, or any other whatsoever to the contrary of the premises in any wise notwithstanding.

X. We will also, out of our more abundant grace, for US, our heirs and successors, do firmly charge, constitute, ordain and command, that the said PROVINCE be of our allegiance; and that all and singular the subjects and liegemen of US, our heirs and successors, transplanted, or hereafter to be transplanted into the PROVINCE aforesaid, and the children of them, and of others their descendants, whether already born there, or hereafter to be born, be and shall be natives and liege-men of US, our heirs and successors, of our kingdom of *England* and *Ireland*; and in all things shall be held, treated, reputed, and esteemed as the faithful liege-men of US, and our heirs and successors, born within our kingdom of *England*; also lands, tenements, revenues, services and other hereditaments whatsoever, within our kingdom of *England*, and other our dominions, to inherit, or otherwise purchase, receive, take, have, hold, buy, and possess, and the same to use and enjoy, and the same to give, sell, alien, and bequeath; and likewise all privileges, franchises and liberties of this our kingdom of *England*, freely, quietly, and peaceably to have and possess, and the same may use and enjoy in the same manner as our liege-men born, or to be born within our said kingdom of *England*, without impediment, molestation, vexation, impeachment, or grievance of US, or any of our heirs or successors; any statute, act, ordinance, or provision to the contrary thereof, notwithstanding.

XI. Furthermore, that our subjects may be incited to undertake this expedition with a ready and cheerful mind: KNOW YE, that WE, of our especial grace, certain knowledge, and mere motion, do by the tenor of these presents, give and grant, as well to the aforesaid Baron of BALTIMORE, and to his heirs, as to all other persons who shall from time to time repair to the said province, either for the sake of inhabiting, or of trading with the inhabitants of the province aforesaid, full license to ship and lade in any the ports of US, our heirs and successors, all and singular their goods, as well moveable as immovable, wares and merchandises, likewise grain of what sort soever, and other things whatsoever necessary for food and clothing, by the laws and statutes of our kingdoms and dominions, not prohibited to be transported out of the said kingdoms; and the same to transport by themselves, or their servants or assigns, into the said PROVINCE, without the impediment or molestation of US, our heirs or successors, or of any officers

of US, our heirs or successors, (SAVING unto US, our heirs and successors, the impositions, subsidies, customs, and other dues payable for the same goods and merchandizes,) any statute, act, ordinance, or other thing whatsoever to the contrary notwithstanding.

XII. But because, that in so remote a region, placed among so many barbarous nations, the incursions as well of the barbarians, themselves, as of other enemies, pirates and ravagers, probably will be feared, therefore WE have given, and for US, our heirs and successors, do give by these presents, as full and unrestrained power, as any captain-general of an army ever hath had, unto the aforesaid now Baron of BALTIMORE, and to his heirs and assigns, by themselves, or by their captains, or other officers, to summon to their standards, or to array all men, of whatsoever condition, or wheresoever born, for the time being, in the said province of MARYLAND, to wage war, and to pursue, even beyond the limits of their province, the enemies and ravagers aforesaid, infesting those parts by land and by sea, and (if God shall grant it) to vanquish and captivate them, and the captives to put to death, or, according to their discretion, to save, and to do all other and singular the things which appertain, or have been accustomed to appertain unto the authority and office of a captain-general of an army.

XIII. We also will, and by this our CHARTER, do give unto the aforesaid now Baron of BALTIMORE, and to his heirs and assigns, power, liberty, and authority, that in case of rebellion, sudden tumult, or sedition, if any (which God forbid) should happen to arise, whether upon land with the province aforesaid, or upon the high sea in making a voyage to the said province of MARYLAND, or in returning thence, they may, by themselves, or by their captains, or other officers, thereunto deputed under their seals (to whom WE, for US, our heirs and successors, by these presents, do give and grant the fullest power and authority) exercise martial law as freely, and in as ample manner and form, as any captain-general of an army, by virtue of his office may, or hath accustomed to use the same, against the seditious authors of innovations in those parts, withdrawing themselves from the government of him or them, refusing to serve in war, flying over to the enemy, excusing their leave of absence, deserters, or otherwise, howsoever offending against the rule, law, or discipline of war.

XIV. Moreover, lest in so remote and far distant a region, every access to honors and dignities may seem to be precluded, and utterly barred, to men well born, who are preparing to engage in the present expedition, and desirous



of deserving well, both in peace and war, of US, and our kingdoms; for this cause, WE, for US, our heirs and successors, do give free and plenary power to the aforesaid now Baron of BALTIMORE, and to his heirs and assigns, to confer favours, rewards and honours, upon such subjects, inhabiting within the province aforesaid, as shall be well deserving, and to adorn them with whatsoever titles and dignities they shall appoint; (so that they be not such as are now used in *England*,) also to erect and incorporate towns into boroughs, and boroughs into cities, with suitable privileges and immunities, according to the merits of the inhabitants, and convenience of the places; and to do all and singular other things in the premises, which to him or them shall seem fitting and convenient; even although they shall be such as, in their own nature, require a more special commandment and warrant than in these presents may be expressed.

XV. We will also, and by these presents do, for US, our heirs and successors, give and grant license by this our CHARTER, unto the aforesaid now Baron of BALTIMORE, his heirs and assigns, and to all persons whatsoever, who are, or shall be, residents and inhabitants of the province aforesaid, freely to import and unlade, by themselves, their servants, factors or assigns, all wares and merchandizes whatsoever, which shall be collected out of the fruits and commodities of the said PROVINCE, whether the product of the land or the sea, into any of the ports whatsoever of US, our heirs and successors, of *England* or *Ireland*, or otherwise to dispose of the same there; and, if need be, within one year, to be computed immediately from the time of unlading thereof, to lade the same merchandizes again, in the same, or other ships, and to export the same to any other countries they shall think proper, whether belonging to US, or any foreign power, which shall be in amity with US, our heirs or successors: Provided always, that they be bound to pay for the same to US, our heirs and successors, such customs and impositions, subsidies and taxes, as our other subjects of our kingdom of *England*, for the time being, shall be bound to pay, beyond which WE will that the inhabitants of the aforesaid province of the said land, called MARYLAND, shall not be burdened.

XVI. And furthermore, of our more ample special grace, and of our certain knowledge, and mere motion, We do, for US, our heirs and successors, grant unto the aforesaid now Baron of BALTIMORE, his heirs and assigns, full and absolute power and authority to make, erect, and constitute, within the province of MARYLAND, and the islands and islets aforesaid, such, and so many sea ports, harbours, creeks, and other places of unlading and discharge of goods and

merchandizes out of ships, boats, and other vessels, and of lading in the same, and in so many, and such places, and with such rights, jurisdictions, liberties, and privileges, unto such ports respecting, as to him or them shall seem most expedient. And, that all and every the ships, boats and other vessels whatsoever, coming to, or going from the PROVINCE aforesaid, for the sake of merchandizing, shall be laden and unladen at such ports only as shall be so erected and constituted by the said now Baron of BALTIMORE, his heirs and assigns, any usage, custom, or any other thing whatsoever to the contrary notwithstanding. Saving always to US, our heirs and successors, and to all the subjects of our kingdoms of *England* and *Ireland*, of us, our heirs and successors, the liberty of fishing for sea-fish, as well in the sea, bays, straits and navigable rivers, as in the harbours, bays and creeks of the PROVINCE aforesaid; and the privilege of salting and drying fish on the shores of the same PROVINCE; and, for that cause, to cut down and take hedging-wood and twigs there growing, and to build huts and cabins, necessary in this behalf, in the same manner as heretofore they reasonably might, or have used to do. Which liberties and privileges, the said subjects of US, our heirs and successors, shall enjoy without notable damage or injury in any wise to be done to the aforesaid now Baron of BALTIMORE, his heirs or assigns, or to the residents and inhabitants of the same province in the ports, creeks, and shores aforesaid, and especially in the woods and trees there growing. And if any person shall do damage or injury of this kind, he shall incur the peril and pain of the heavy displeasure of US, our heirs and successors, and of the due chastisement of the laws, besides making satisfaction.

XVII. Moreover, We will, appoint, and ordain, and by these presents, for US, our heirs and successors, do grant unto the aforesaid now Baron of BALTIMORE, his heirs and assigns, that the same Baron of BALTIMORE, his heirs and assigns, from time to time, for ever, shall have, and enjoy the taxes and subsidies payable, or arising within the ports, harbours, and other creeks and places aforesaid, within the PROVINCE aforesaid, for wares bought and sold, and things there to be laden, or unladen, to be reasonably assessed by them, and the people there as aforesaid, on emergent occasion; to whom WE grant power by these presents, for US, our heirs and successors, to assess and impose the said taxes and subsidies there, upon just cause, and in due proportion.

XVIII. And furthermore, of our special grace, and certain knowledge, and mere motion, We have given, granted, and confirmed, and by these presents, for US, our heirs, and successors, do give, grant, and confirm, unto the aforesaid

now Baron of BALTIMORE, his heirs and assigns, full and absolute license, power and authority, that he, the aforesaid now Baron of BALTIMORE, his heirs and assigns, from time to time hereafter, for ever, may and can, at his or their will and pleasure, assign, alien, grant, demise, or enfeof so many, such and proportionate parts and parcels of the premises, to any person or persons willing to purchase the same, as they shall think convenient, to have and to hold to the same person or persons willing to take or purchase the same, and his and their heirs and assigns, in fee simple, or fee tail, or for term of life, lives, or years; to hold of the aforesaid now Baron of BALTIMORE, his heirs and assigns, by so many, such, and so great services, customs and rents OF THIS KIND, as to the same now Baron of BALTIMORE, his heirs and assigns, shall seem fit and agreeable, and not immediately of US, our heirs or successors. And WE do give, and by these presents, for US, our heirs and successors, do grant to the same person and persons, and to each and every of them, license, authority, and power, that such person and persons, may take the premises, or any parcel thereof, of the aforesaid now Baron of BALTIMORE, his heirs and assigns, and hold the same to them and their assigns, or their heirs, of the aforesaid Baron of BALTIMORE, his heirs and assigns, of what estate of inheritance soever, in fee simple or fee tail, or otherwise, as to them and the now Baron of BALTIMORE, his heirs and assigns, shall seem expedient; the statute made in the parliament of lord EDWARD, son of king HENRY, late king of England, our progenitor, commonly called the "STATUTE QUIA EMPTORES TERRARUM," heretofore published in our kingdom of *England*, or any other statute, act, ordinance, usage, law, or custom, or any other thing, cause or matter, to the contrary thereof, heretofore had, done, published, ordained or provided to the contrary thereof notwithstanding.

XIX. We, also, by these presents, do give and grant license to the same Baron of BALTIMORE, and to his heirs, to erect any parcels of land within the PROVINCE aforesaid, into manors, and in every of those manors, to have and to hold a court-baron, and all things which to a court-baron do belong; and to have and to keep view of frank-pledge, for the conservation of the peace and better government of those parts, by themselves and their stewards, or by the lords, for the time being to be deputed, of other of those manors when they shall be constituted, and in the same to exercise all things to the view of frank-pledge belonging.

XX. And further We will, and do, by these presents, for US, our heirs and successors, covenant and grant to, and with the aforesaid now Baron of BALTIMORE, his heirs and assigns, that WE, our heirs and successors, at no time here-

after, will impose, or make or cause to be imposed any impositions, customs, or other taxations, quotas or contributions whatsoever, in or upon the residents or inhabitants of the PROVINCE aforesaid, for their goods, lands, or tenements within the same PROVINCE, or upon any tenements, lands, goods or chattels within the PROVINCE aforesaid, or in or upon any goods or merchandizes within the PROVINCE aforesaid, or within the ports or harbours of the said PROVINCE, to be laden or unladen: And WE will and do, for US, our heirs and successors, enjoin and command that this our declaration shall, from time to time, be received and allowed in all our courts and pretorian judicatories, and before all the judges whatsoever of US, our heirs and successors, for a sufficient and lawful discharge, payment, and acquittance thereof, charging all and singular the officers and ministers of US, our heirs and successors, and enjoining them, under our heavy displeasure, that they do not at any time presume to attempt anything to the contrary of the premises, or that may in any wise contravene the same, but that they, at all times, as in fitting, do aid and assist the aforesaid now Baron of BALTIMORE, and his heirs, and the aforesaid inhabitants and merchants of the PROVINCE of MARYLAND aforesaid, and their servants and ministers, factors and assigns, in the fullest use and enjoyment of this our CHARTER.

XXI. And furthermore We will, and by these presents, for US, our heirs and successors, do grant unto the aforesaid now Baron of BALTIMORE, his heirs and assigns, and to the freeholders and inhabitants of the said PROVINCE, both present and to come, and to every of them, that the said PROVINCE and the freeholders or inhabitants of the said colony or country, shall not henceforth be held or reputed a member or part of the land of *Virginia*, or of any other colony already transported, or hereafter to be transported, or be dependent on the same, or subordinate in any kind of government, from which we do separate both the said province and inhabitants thereof, and by these presents do will to be distinct, and that they may be immediately subject to our crown of *England*, and dependent on the same for ever.

XXII. And if, peradventure, hereafter it may happen that any doubts or questions should arise concerning the true sense and meaning of any word, clause, or sentence, contained in this our present CHARTER, WE will, charge and command THAT interpretation to be applied, always, and in all things, and in all our courts and judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable and favourable to the aforesaid now Baron of BALTIMORE, his heirs and assigns: provided, always, that

no interpretation thereof be made, whereby God's holy and true Christian religion, or the allegiance due to us, our heirs and successors, may in any wise suffer by change, prejudice or diminution; although express mention be not made in these presents of the true yearly value are certainty of the premises, or of any part thereof, or of other gifts and grants made by US, our heirs and predecessors, unto the said now Lord BALTIMORE, or any statute, act, ordinance, provision, proclamation or restraint, heretofore had, made, published, ordained or provided, or any other thing, cause, or matter whatsoever to the contrary thereof in any wise notwithstanding.

XXIII. In witness whereof WE have caused these our letters to be made patent. Witness OURSELF at *Westminster*, the twentieth day of *June*, in the eighth year of our reign.  
—(From *Bacon's Laws*.)

#### APPENDIX D.

##### OATH OF ALLEGIANCE.

"I do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world;

"That our Sovereign Lord, King (Charles,) is lawful and rightful King of this realm, and of all other his Majesty's dominions, and countries; and that the Pope neither of himself, nor by any authority of the Church, or See of Rome, or by any other means with any other, hath any power or authority to depose the King, or to dispose any of his Majesty's Kingdoms or dominions; or to authorize any foreign Prince to invade or annoy him or his countries; or to discharge any of his subjects of their allegiance, and obedience to his Majesty, or to give license or leave to any of them to bear arms, raise tumults or to offer any violence or hurt, to his Majesty's royal person, state, or government, or to any of his Majesty's subjects within his Majesty's dominions.

"Also I do swear from my heart, that notwithstanding any declaration, or sentence of excommunication, or deprivation, made or granted, or to be made or granted by the Pope, or his successors, or by any authority derived, or pretended to be derived from him, or his See, against the said King, his heirs or successors, or any absolution of the said subjects from their obedience, I will bear faith and true allegiance to his Majesty, his heirs and successors, and him or them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever, which shall be made against

his or their persons, their crown and dignity, by reason or color of any such sentence, or declaration, or otherwise; and will do my best endeavor to disclose and make known unto his Majesty, his heirs and successors, all treasons, or traitorous conspiracies, which I shall know or hear of, to be against him or any of them.

“And I do further swear, that I do from my heart, abhor, detest and adjure, as impious and heretical, this damnable doctrine and position; that, Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their subjects, or any other whatsoever.

“And I do believe, and in my conscience am resolved, that neither the Pope, nor any person whatsoever, hath power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full authority to be lawfully ministered unto me, and do renounce all pardons, and dispensations to the contrary. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken and according to the plain, and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever. And I do make this recognition and acknowledgment heartily, willingly, truly upon the true faith of a Christian: So help me God.”—(Statutes of the Realm.)

## APPENDIX E.

### TRIAL OF LEWIS.

“On Sunday, the first of July, William Lewis informed Capt. Cornwaleys that certain of his servants had drawn a petition to Sir John Harvey, and intended at the chapel that morning to procure all the Protestant hands to it. Whereupon the Captain (calling unto him Mr. Secretary) sent for Robert Sedgrave (one of the parties informed of) and examined thereof, who confessed he had drawn a writing and delivered it to Francis Gray, who, being likewise examined, had the writing in his bosom and delivered it to the Captain. The writing was of this tenor: ‘Beloved in our Lord, etc. This is to give you notice of the abuses and scandalous reproaches which God and his ministers do daily suffer by William Lewis of St. Inigoes, who saith that our ministers are the ministers of the devil, and that our books are made by the instruments of the devil, and further saith that those servants which are under his charge shall not keep nor read which doth appertain to our religion within the house of the said William Lewis, to



the great discomfort of those poor bondmen which are under his subjection, especially where no godly minister is to teach and instruct ignorant people in the grounds of religion. And as for people which cometh unto the said Lewis or otherwise to pass the creek, the said Lewis taketh occasion to call them into his chamber, and there laboreth with all vehemency, craft and subtlety to delude ignorant persons. Therefore we beseech you, Brethren in our Lord and Saviour Jesus Christ, that you who have power, that you will do in what lieth in you to have these absurd abuses and heredicious crimes to be reclaimed, and that God and his ministers may not be so heinously trodden down by such ignominious speeches; and no doubt but that he or they which strive to uphold God's ministers and word, he shall be recompenced with eternal joy and felicity to reign in that eternal kingdom with Christ Jesus, under whose banner we fight forever more, all which words aforesaid which hath been spoken against William Lewis the parties hereunder will be deposed when time and opportunity shall be thought meet.'

"And being further examined, touching the intent of the writing, Francis Gray said that he was not acquainted with the writing till it was delivered to him by Robert Sedgrave, and that he had not as yet read it; and that Robert Sedgrave desired him to publish it to some of the freemen, and to the intent only to procure them to join in a petition to the Governor and Council of this Province for the redressing of those grievances which were complained of in the writing. Whereupon the Captain willed them to return again in the afternoon and to bring security for their answering the matter at the court; and in the meantime to demean themselves quietly and soberly. And in the afternoon the Captain and Mr. Secretary bound them over with two surieties to answer it at the next court.

"On Tuesday, the third of July, the sheriff was commanded by warrant from the Governor to bring William Lewis, Robert Sedgrave, Francis Gray, Christopher Carnoll and Ellis Beach into the court, where were present the Governor, the Captain and Mr. Secretary. The Governor demanded of Robert Sedgrave whether that were his writing, and he confessed it. He demanded further, touching the intent of the writing, and he answered as afore; and being demanded who moved or advised him to that course, he said that himself and Francis Gray being much offended with the speeches of William Lewis, Francis Gray did wish him to draw a writing to some of the freemen, and he would procure them to join in a petition to the Governor and Council which the said Robert Sedgrave did

accordingly the next day; but Francis Gray wished him to keep it until he had spoken with Mr. William Copley, which was on Saturday, the last of June. And on Sunday morning, meeting with Francis Gray at the fort, he asked him if he had spoken with Mr. William Copley. [This was intended for Father Copley,] who said he had, and that Mr. Copley had given him good satisfaction in it, and blamed much William Lewis for his contumelious speeches and ill-governed zeal, and said it was fit he should be punished. And Francis Gray asked him for the writing and put it up, and were going with it to the chapel when the Captain called them in by the way. And Francis Gray, being examined, confessed that he did wish to draw a writing, to be delivered to two or three of the freemen, and his reason was because the said servants had no knowledge what to do in it, nor could so well go to the Governor to move for redress as the freemen could. Then were the complaints contained in the writing against William Lewis taken into examination. And, touching the first, Ellis Beach did depose that William Lewis, coming into the room where Francis Gray and Robert Sedgrave were reading of Mr. Smith's sermons, did say that the book was made by the instrument of the devil. And Robert Sedgrave, asked whether William Lewis spake in general of Protestant books or of that book in particular, said that he could not well remember whether he spake of books in general. And William Lewis, being put to his answer confessed that, coming into the room where they were reading of a book, they read it aloud to the end that he should hear it, and the matter being much reproachful to his religion; namely, that the Pope was anti-Christ and the Jesuits anti-Christian ministers, etc., he told them that it was a falsehood, and came from the devil, as all lies did, and that he that writ it was an instrument of the devil, and so he would approve it and further he said not.

"Touching the second, it was deposed by two witnesses that William Lewis said that their ministers [Innuendo the Protestants] were the ministers of the devil.

"Touching the third, Robert Sedgrave said, at first, that William Lewis did forbid them to use or to have any Protestant books within his house, which being denied by William Lewis, and that he had expressly given leave to use or have books, so that they read them not to his offence or disturbance in his own house, and that he spake only touching that book then in reading: Robert Sedgrave said he was not certain whether he forbade them that book only, or all other books. And Richard Duke [a witness produced by Francis Gray and a Protestant,] being sworn, said that William Lewis said that Francis Gray could not



read that book in the house, nor no such base fellows as he was; but no more or further as he heard. Then was Christopher Carnoll and Ellis Beach examined upon oath, and they likewise testified, touching the forbidding of that book, but not any further as they heard.

"Then was it alleged by William Lewis that the intent of the writing was to combine the Protestants together, and to send a petition under all their hands to the Governor and Council of Virginia, that they would send hither for William Lewis and proceed against him for a traitor, and this he offered by one here present that heard James Thornton say that they declared such their intent in his hearing. But this being refused by the Governor as an insufficient proof, and the party himself demanded that heard the word; it was answered that he was gone out a-trading the day before. Whereupon the Governor thought fit to defer their trial and censure till the witness could be produced in court; and in the meantime willed Mr. Secretary to deliver his censure, touching the complaints against William Lewis. And Mr. Secretary found him guilty of an offensive and indiscreet speech in calling the author of the book an instrument of the devil; but acquitted him from that he was charged withal in the writing that he used that speech touching Protestant ministers in general. He likewise found him guilty of a very offensive speech in calling the Protestant ministers the ministers of the devil. He likewise found him to have exceeded in forbidding them to read a book otherwise allowed and lawful to be read by the State of England, but he acquitted him of the accusation that he forbade his servants to have or use Protestant books in his house. And because of these his offensive speeches and other unseasonable disputations in point of religion tending to the disturbance of the public peace and quiet of the colony, and were committed by him against a public proclamation set forth to prohibit all such disputes, therefore he fined him five hundred weight of tobacco to the Lord of the Province, and to remain in the sheriff's custody until he found sufficient surieties for his good behavior, in those kinds, in time to come. The Captain likewise found him to have offended against the public peace and against the proclamation made for the suppressing of all such disputes tending to cherishing a faction in religion; and, therefore, fined him likewise five hundred to the Lord of the Province. But for his good behavior thought fit to leave it to his own discretion. The Governor concurred wholly in his sentence with Mr. Secretary; and so the court brake up; and William Lewis was committed to the sheriff."—(*Archives of Maryland*, iv, pp. 35-39.)

## APPENDIX F.

## OATHS OF OFFICIALS.

There is much obscurity in regard to the oath of the Governor. Chalmers informs us that from 1637 to 1657 the oath of the Governor was as follows: *I will not by myself or any other person, directly or indirectly, trouble, or molest, or discountenance any person believing in Jesus Christ, for or in respect of religion.*—(Chalmers, *Annals*, p. 235.) In the terms of this oath there is enough to lead us to suspect that Chalmers was quoting from memory the oath which the Governor was obliged to take in 1648. Yet Chalmers is usually exact, and he was in a position to know whereof he spoke, having occupied the position of custodian of the State Archives. It is possible that the original record of this oath has been lost.

Hawks says (p. 7) that the oath prescribed by Calvert for his Governors in 1636, was as follows: *I will not by myself or any other, directly or indirectly, trouble, or molest or discountenance any person professing to believe in Jesus Christ, for, or in respect of religion: I will make no difference of persons in conferring offices, favors, or rewards, for or in respect of religion; but merely as they shall be found faithful and well-deserving, and endued with moral virtues and abilities: my aim shall be public unity, and if any person or officer shall molest any person professing to believe in Jesus Christ, on account of his religion, I will protect the person molested, and punish the offender.*

McMahon (p. 226) gives this same form of oath, but neither he nor Hawks gives an authority for it. It is found, however, in the Upper House Journal, 1758, in the dispute between the Upper House and the Burgesses concerning the double test imposed upon Catholics. (See Appendix Q.) The first official oath of the Governor, of which we have any record, is that of 1638-1639, passed by the Assembly of that year in its final bill. It reads thus: *The said Lieutenant-General and Commander shall take an oath to administer equal justice to all persons, without favor or malice of any one.*—(Archives, I, p. 83.) Now this appears to be less the regular and exact form of the oath itself than a reference to it. This whole bill, indeed, seems to be mere memoranda of the more elaborated ones introduced, but not passed a few days before. The *real* and *formal* expression of the oath is probably contained in an Act read twice and engrossed—but not passed—four days previously, and entitled “An Act for several Oaths

to be taken by Judges and Public Officers.”—(*Archives*, I, p. 44.) It reads: *I, A. B., do swear that (whilst I am a member of this Province) I will bear truth faith to the Right Honorable Cecilius, Lord of this Province and his heirs (saving my allegiance to the Crown of England), and the said Province and him and them, and his and their due rights and jurisdictions, and all and everyone of them will maintain to the uttermost of my power. The peace and welfare of the people I will ever procure as far as I may, to none will I delay or deny right, but equal justice will administer in all things to my best skill, according to the laws of this Province. So help me God.*—(*Archives*, I, p. 44.)

Then follow the several oaths of Councillor, Judge, Secretary of Province, Clerk of Chancery and Court Register, all similar in tenor to that of the Governor. The last section of the Act provides that the Secretary of State shall administer the oath to the Governor, and that the Governor shall, in turn, administer it to Councillors, Judges and Officers aforesaid.—(*Ibid.*) When the Governor, Councillors and others took the oath of office the day after the adjournment of the Assembly, we know that it was done *exactly according to the form prescribed in the Act just alluded to; and all being sworn upon the same bill.*—(*Archives*, III, p. 84.) Also the oath for the councillors, used in 1643, “was, according to the form of a bill, *drawn up in the Assembly, 15th of March, 1638, entitled ‘An Act for Several Oaths,’*”—(*Archives*, III, p. 131.) From this evidence we conclude, then, that it is more than probable that the oath, taken by the Governor in 1638-39, was not the short and evidently abridged form contained in the final Act of the Assembly of that year, but the more complete and elaborate expression of the Act read in the Assembly four days previously.

The Governor's oath of 1643 is the next recorded in the *Archives*. It was taken by the *Deputy-Governor*, Giles Grent. He swears to *do equal right and justice to the poor and to the rich within the said Province, after his cunning, wit and power, according to the laws of the said Province, neither to delay nor deny to any man right of justice, etc.*—(*Ibid.*)

The Governor's oaths, alluded to by Chalmers, Hawks, McMahon and others, as given above, may or may not have existed. We have no positive proof or evidence that they ever did. The forms of oath just given (those of 1638-39, 1643-1648) are the only ones of which we have any authentic record down to the last-mentioned date.

## APPENDIX G.

## MAGNA CHARTA.

*(Extract.)*

“Magna Carta Regis Johannis, XV die Junii, MDCCXV, anno Regni XVII.

“Joannes Dei gratia rex Anglie dominus Hybernie dux Normannie Aquitanie et comes Andegavie archiepiscops episcopis abbatibus comitibus baronibus justiciariis forestariis vicecomitibus prepositis ministris et omnibus ballivis et fidelibus suis salutem Sciatis nos intuitu Dei et pro salute anime nostre et omnium antecessorum et heredum nostrorum ad honorem Dei et exaltationem sancte ecclesie et emendationem regni nostri per consilium venerabilium patrum nostrorum Stephani Cant’ archiepiscopi totius Anglie Primatis et sancte Romane ecclesie cardinalis Henrici Dublin’ archiepiscopi Willielmi London’ Petri Winton’ Joselini Bathon’ et Glaston’ Hugonis Lincoln’ Walteri Wygoon’ Willielmi Coventr’ et Benedicti Roff’ Episcoporum magistri Pandulfi domini pape subdiaconi et familiaris . . . et aliorum fidelium nostrorum In primis concessisse Deo et hac presenti carta nostra confirmasse pro nobis et heredibus nostris in perpetuum quod Anglicana ecclesia libera sit et habeat jura sua integra et libertates suas illas et ita volumus observari quod apparet ex eo quod libertatem electionum qua maxima et magis necessaria reputatur ecclesie Anglicane mera et spontanea voluntate ante discordiam inter nos et barones nostros motam concessimus et carta nostra confirmavimus et eam optinuimus a domino papa innocentio tertio confirmari quam et nos observabimus et ab heredibus nostris in perpetuum bona fide volumus observari.”—(William Blackstone, the Great Charter and the Charters of the Forest. Oxford, 1759.)

John, by the grace of God, King of England, Lord of Ireland, etc., . . . Know that by the suggestion of God and for the good of our soul and those of all our predecessors, and of our heirs, to the honour of God and the exaltation of Holy Church and the improvement of our kingdom, by the advice of our venerable Fathers, Stephen, Archbishop of Canterbury, Primate of all England and Cardinal of the Holy Roman Church, Henry, Archbishop of Dublin,—William of London,—Peter of Winchester,—Jocelyn of Bath and Glastonbury, Hugh of London, Walter of Worcester, William of Coventry and Benedict of Rochester, Bishops; of Master Pandulf, subdeacon and member of the household of the Lord Pope . . . and others of our faithful . . .

In the first place, we have granted to God, and by this our present Charter confirmed, for us and our heirs forever, that the English church shall be free and shall hold its rights entire and its liberties uninjured, and we will that it be observed; which is shown by this, that the freedom of elections which is considered to be the most important and especially necessary to the English church, we, of our pure and spontaneous will, granted and by our Charter confirmed before the contest between us and our Barons had arisen; and obtained a confirmation of it by the Lord Pope Innocent Third; which we will observe, and which we will shall be observed in good faith by our heirs forever. . . . (Doc. of English Constitutional History, George Burton Adams and Henry Morse Stephens, editors. Translation—Cheyney.)

## APPENDIX H.

## BULL OF ALEXANDER VI.—1493.

(*Extract.*)

(6) . . . De nostra mera liberalitate, et ex certa scientia, ac de Apostolicae potestatis plenitudine, omnes insulas et terras firmas inventas et inveniendas, detectas et detegendas . . . auctoritate Omnipotentis Dei Nobis in beato Petro concessa, ac Vicarius Jesu Christi, qua fungimur in terris, cum omnibus illarum Dominiis, Civitatibus, Castris, Locis, et Villis jurisbusque et jurisdictionibus ac pertinentiis Universis Vobis, heredibusque et successoribus vestris (Castellae et Legionis Regibus) in perpetuum tenore presentium donamus, concedimus, et assignamus, Vosque et haeredes ac successores praefatos illarum dominos cum plena, libera et omnimodo potestate, auctoritate, et jurisdictione, facimus, constituimus et deputamus.

(8) Ac quibuscumque personis, cujuscumque dignitatis, etiam Imperialis et Regalis, status, gradus, ordinis vel conditionis sub excommunicationis latae sententiae poena, quam eo ipso si contrafecerint incurrant, districtius inhibemus ne ad insulas et terras firmas inventas et inveniendas . . . pro mercibus habendis vel quavis alia de causa accedere praesumant absque vestra ac haeredum et successorum vestrorum praedictorum licentia speciali. (Magnum Bullarium Romanum, I, p. 454.—Luxemburgi, MDCCXXVII. Cfr. Novae Novi, Orbis Historiae, Libri tres, p. 284, Urbani Calvetanis, M. D. C.)

## APPENDIX I.

CONVENTION BETWEEN LORD BALTIMORE AND THE SUPR. PROVINCIAL OF THE JESUITS IN ENGLAND. (Copy in Archiepiscopal Archives, Baltimore.)

I, Provincial of the Society of Jesus in the English Mission, do for myself and on the behalf of my successors and all those of the said Society who are or shall be sent into the Province of Maryland, undertake, promise, and agree to and with the Rt. Honorable Cecilius Lord Baltimore and his heirs, Lords and proprietors of the said Province of Maryland, in manner following:

1. That in regard the King of England by way of remuneration and special grant, hath by his charter granted the said Province of Maryland and the royal jurisdiction thereof to his Lordship and his heirs, so that by reason of the said charter, no subject of the King of England or any other member of his Lordship's colony in Maryland, is capable of accepting purchasing or possessing any land within that Province, but from, by, or under some grant immediately or mediately derived from his Lordship or his heirs; and in regard that his Lordship has already been and daily is at very great charges and hath and doth daily undergo very great hazards and trouble, both in his person and estate principally for the Propagation of the Christian faith in those parts and the welfare of the people there having no temporal gain, or profit to himself from thence as yet; without which protection of his Lordship the Colony there could not according to human reason have possibly subsisted hitherto; and in respect the deriving of any title to any land within that Province from any other way than merely and solely from, by, or under his Lordship or his heirs, would not only tend to the destruction of his Lordship and his heirs, and their interest and royal jurisdiction over and in the said province, so dearly purchased by his Lordship as aforesaid and consequently be offensive to the crown of England from and upon which authority his Lordship's said interest and royal jurisdiction originally proceeds and solely depends; but would in all probability be very prejudicial also to the publick good of that Colony by occasioning great divisions and dissensions among the people there; therefore none of our said Society shall at any time, directly or indirectly by him or themselves or by any other person or persons whatever to any use, intent or purpose whatsoever take, accept, possess, purchase, or enjoy any lands, tenements or hereditaments within the said province of Maryland or the islands thereunto belonging from,



by, or under the grant, gift, purchase, or legacy of, or from any Indian or Indians or any other person or persons, or from by or under any other title whatsoever than merely and solely (without mixture of any other title) from by or under some grant legally passed or to be passed from his Lordship or his heirs under his or their great seal for the time being of the said province of Maryland, and if any one or more of our said Society have already or shall hereafter directly or indirectly by him or themselves or by any person or persons take, accept any lands, tenements, or hereditaments within the said Province contrary to the tenor and true meaning of these presents, such taking, acceptation, purchase or possession shall by virtue hereof, be wholly understood, construed and adjudged and shall really and actually be to the only use of his Lordship and his heirs and absolutely void as to all other uses, intents and purposes whatsoever.

2. Whereas, by the laws and statutes of England, no lands, tenements or hereditaments within that kingdom, can be granted conveyed or transferred to any person or persons whatsoever whether Spiritual or temporal for any pious uses or to the Church, without Special license from his Majesty, the form of the government of which kingdom his Lordship for divers just reasons hath cause to observe in Maryland as near as conveniently he can; and whereas his Lordship hath already granted a considerable proportion of land within that province for the maintenance of our said Society there; therefore none of our said Society by him or themselves or any other person or persons in trust for him or them, shall accept, take, receive, purchase, possess or enjoy any lands, tenements, or hereditaments within the said Province to their own use or to any pious uses or to any other use or uses prohibited or comprehended within any of the Statutes of Mortmain now in force in England, without Special license in writing to be first had and obtained under the hand and seal of his Lordship or his heirs for so doing; and if any one or more of our said Society shall (notwithstanding this my promise and agreement,) accept, take, receive, purchase, possess or enjoy any lands, tenements or hereditaments either by him or themselves or by any other person or persons in trust for him or them or our said Society or to any pious use or uses or to any other use or uses comprehended in any of the said Statutes of Mortmain without the said Special license of his Lordship or his heirs as aforesaid, then every such acceptation, purchase or possession shall by virtue hereof be wholly construed and adjudged and shall really and actually be to the own use of his Lordship and his heirs and absolutely void as to all other intents and purposes whatsoever.

3. For that the said province of Maryland, hath a dependance upon England and cannot in all probability subsist without supplies of people, clothing and other necessities from that kingdom; and because the King and State of England as it now stands, would undoubtedly be much offended which might endanger the ruin of his Lordship and the whole Plantation, if ecclesiastical persons of the Roman Church should be allowed in that Province all those privileges, exemptions, and immunities in temporal affairs which are usually granted and allowed unto them and to the Church by Princes of the Catholic Roman Religion within their dominions; therefore none of our said Society shall by application of any Spiritual authority or otherwise exact or require from his Lordship or his heirs or from any of his or their officers to be allowed in the Province of Maryland any other privileges, immunities or exemptions in temporal affairs than what our said Society or the Roman Church, or shall be publicly allowed in England by the Government of that kingdom, at such time as they shall request the same in Maryland; provided nevertheless that neither his Lordship nor his heirs nor any of his or their officers, shall at any Catholic suit, cause any Corporal punishment to be inflicted upon any of our said Society within the said Province, in any way or manner derogatory from the privileges immunities or exemptions which in Corporal punishments are usually allowed unto our said Society in other Catholic Countries, except it be for a Capital crime in which case also previous degradation is to be procured.

4. That none of our Society shall at any time hereafter be sent into that Province of Maryland without the special consent and license from time to time of his Lordship or his heirs.

5. In case his Lordship or his heirs shall at any time or times hereafter, desire to have recalled from Maryland any one or more of our said Society who already are, or at any time hereafter shall be sent thither, then upon his Lordship or his heirs signification by him or themselves or by any other person or persons from his Lordship or his heirs, to the Provincial of the English Mission for the time being, or to the Super. of our said Society residing in that Province for the time being of such his Lordship or his heirs desire, the said Provincial of the English Mission or other Super. of the said Society for the time being, shall within the space of one year after such signification as aforesaid, recall from Maryland such of our said Society, as his Lordship or his heirs shall so desire to have recalled, his Lordship being at the charge upon such occasions of transporting into any place out of said Province where the



said Provincial in the English Mission or the said Super. of our said Society in Maryland for the time being, shall reasonably desire such of our said Society as his Lordship or his heirs shall so desire to have recalled; provided that it be to such a place as some ship or vessel shall chance to go at that time from Maryland upon other occasions; and in case the said Provincial or other Super. for the time being, shall at any time neglect or refuse upon such signification as aforesaid, to comply with the desire of his Lordship or his heirs herein, or that any of our said Society there so desired to be recalled as aforesaid shall refuse to depart that Province when at the request of his Lordship or his heirs, he or they shall be recalled from thence by the said Provincial or other their Superior for the time being, it shall be then lawfull (notwithstanding such neglect and refusal as aforesaid) for his Lordship or his heirs to dismiss or cause to be transported out of that Province such of our said Society, as his Lordship or his heirs shall so desire to have recalled as aforesaid, provided that if his Lordship or his heirs shall desire the removal of any of our said Society from or out of the said Province for any other cause than misdemeanor, his Lordship or his heirs shall then give to every such person of the said Society, so at his Lordship or his heirs request to be recalled as aforesaid (and who shall willingly, without compulsion depart from thence at the request of his Lordship or his heirs, twenty pounds sterling, either in ready money or in valuable commodities of that Province of Maryland, (according to the usual rate which they shall then happen to be sold) at his removing thence.

6. That such of our Society as are or shall be hereafter sent into the said Province of Maryland shall from time to time, both in public and private as occasion shall require, maintain and defend his Lordship and his heirs, rights, privileges and royal jurisdiction over and in the said Province as absolute lords and proprietors thereof against all oppressors of the same, as far as in him or them layeth, and to that purpose they and every one of them shall take an oath of fidelity to his Lordship and his heirs (to be administered unto them, by such person or persons as his Lordship or his heirs shall, from time to time appoint in these words following, that is to say, I . . . do faithfully and truly acknowledge the Rt. Honorable Cecilius Lord Baltimore to be true and absolute Lord and Proprietor of the Province and country of Maryland and the islands thereunto belonging, and I do promise that I will bear true faith unto his Lordship and his heirs, Lords and Proprietors of the said Province and will yield willing and true obedience to his Lordship and his said heirs and to his and their gov-

ernment in temporal affairs in and over the said Province and Islands thereunto belonging, as to the true and absolute Lords and Proprietors of the said Province and islands, thereunto belonging; and also I do swear that I will not at any time by my words or actions in public or private willingly to the best of my understanding any way derogate from, but will at all times as occasion shall require to the utmost of my power defend and maintain all such his Lordship and his heir's title, interest, privileges, Royal rights and franchises, jurisdictions, prerogatives, propriety and dominion over and in the said Province of Maryland and people who are or shall be therein for the time being as are granted or mentioned to be granted to his Lordship and his said heirs by the King or crown of England in his Lordship's patent of the said Province under the great seal of that kingdom; and I do likewise swear that I will with all expedition discover to his Lordship or his said heirs or to his or their lieutenants or governor of the said Province of Maryland for the time being, any plot conspiracy or combination which I shall know or have just cause to suspect is or shall be intended against the person of his Lordship or his said heirs, or which shall tend any way to the disinherison or deprivation of his Lordship or his said heirs, their title, interest, privileges royal rights and franchises, jurisdiction, prerogatives, propriety or dominion aforesaid; and I do further swear that I will not either by myself or by any other person or persons directly or indirectly take, accept, receive, purchase or possess any land, and tenements or hereditaments within the Province of Maryland or the islands thereunto belonging from any Indian or Indians or any other person or persons not deriving a legal title thereunto by, from, and under some grant of his Lordship or his said heirs legally passed or to be passed under his or their great seal, of the said Province for the time being, and I do also acknowledge that this oath is administered unto me by lawful authority and do therefore respectively acknowledge and swear all the promises without any equivocation or mental reservation in any kind whatsoever, So Help me God!

Lastly I do hereby declare undertake and affirm that I have sufficient and lawful authority to oblige by this instrument under my hand and seal hereunto fixed, not only myself, but also all my successors who shall be Provincials or Superiors of our Society in the English Mission and also all persons of the Society who are or shall hereafter be sent into Maryland to perform and make good all matters and things in every point above mentioned, according to the tenor and true meaning of this my instrument of promises and agreement to and with his Lordship.

## APPENDIX J.

## QUIT-RENTS.

“Quit-rents were the rent charges, laid upon the land when it was first granted to each colonist. They were to be paid annually in perpetuity to the Proprietary by the owner of the land in acknowledgment of his tenancy. These rents were paid in wheat, in money, in tobacco or other commodities according to the conditions demanded by the Proprietary. In 1671 a duty was imposed on all exported tobacco in lieu of the quit-rents and alienation fees. This relieved the colonist of some of the grievances of the old system, but this plan was also found unsatisfactory. The collectors armed with a little brief authority, were a constant source of vexation to the people. The Assembly then resorted to the plan of buying out the rents and alienation fees. By an Act of 1717 the Proprietary was granted two shillings on every hogs-head of exported tobacco in ‘full discharge of his quit-rents and alienation fees.’ This temporary law continued till 1733 when it lapsed. All the evils of the old system returned in full force and continued till the American Revolution.”

## CAUTION MONEY.

The population and the resources of the colony had so increased during the life of Cecilius that after his death, his son (1683) adopted a new system by which lands were granted for a definite sum. This was called Caution Money, because no warrant of land was issued till it was paid. Once paid, the land became the property, rent free, of the payee. This is our present system.

## ALIENATION FEES.

Alienation fees were the fees which the tenant paid to the owner of the land when the land was transferred by the tenant either living or dead but the alination fees for devises were abolished in 1742.—(McMahon, pp. 174-75.) These were the revenues of the Proprietary from the land. Other fees were the tobacco and tonnage duty, and the fines, forfeitures and amercements. (For a full account of these taxes and how the principle “no taxation without representation” was developed in Maryland, see McMahon, pp. 169-183.)

## APPENDIX K.

## AN ACT CONCERNING RELIGION.

Forasmuch as in a well governed and Christian Commonwealth, matters concerning Religion and the honour of God ought in the first place to be taken into serious consideration and endeavored to be settled,—Be it therefore ordained and enacted by the Right Honourable Cecilius, Lord Baron of Baltimore, absolute Lord and Proprietary of this Province, with the advice and consent of this General Assembly that whatsoever person or persons within this province and the islands thereunto belonging, shall from henceforth blaspheme God, that is curse His, or shall deny Our Saviour Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son & Holy Ghost, or the Godhead of any of the said three persons of the Trinity, or the unity of the Godhead, or shall use or utter any reproachful speeches, words or language concerning the Holy Trinity, or any of the said three persons thereof, shall be punished with death, and confiscation or forfeiture of all his or her land and goods to the Lord Proprietary and his heirs.

And be it also enacted by the authority and with the advice and assent aforesaid: That whatsoever person or persons shall from henceforth use or utter any reproachful words or speeches concerning the Blessed Virgin Mary, the Mother of our Saviour, or the holy Apostles or Evangelists, or any of them, shall in such case for the first offence forfeit to the said Lord Proprietary, and his heirs, Lords and Proprietaries of this Province, the sum of £5 sterling, or the value thereof, to be levied on the goods and chattels of every such person so offending: but in case such offender or offenders should not then have goods and chattels sufficient for the satisfying of such forfeiture, or that the same be not otherwise speedily satisfied, that then such offender or offenders shall be publicly whipped and be imprisoned during the pleasure of the Lord Proprietary or the Lieutenant or chief governor of this Province for the time being; and that every such offender or offenders for every such second offence shall forfeit £10 sterling, or the value thereof to be levied as aforesaid or in case such offender or offenders shall not then have goods and chattels within this Province sufficient for that purpose, then to be publicly and severely whipped and imprisoned as before is expressed; and that every person or persons before mentioned offending herein the third time, shall for such

third offence forfeit all his lands and goods, and be forever banished and expelled out of this province.

And be it also further enacted by the same authority, advice and assent, that whatsoever person or persons shall from henceforth upon any occasion of offence or otherwise, in a reproachful manner or other way, declare, call, or denominate any person or persons whatsoever inhabiting, residing, trafficking, trading or commercing, within this Province, or within any the ports, harbours, creeks or havens to the same belonging, an Heretic, Schismatic, Idolator Puritan, Presbyterian, Independent, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or other name or term in a reproachful manner, relating to matters of religion, shall for every such offence forfeit and lose the sum of 10s. sterling or the value thereof to be levied on the goods and chattels of every such offender or offenders, the one-half thereof to be forfeit and paid to the person or persons of whom such reproachful words are or shall be spoken or uttered, and the other half thereof to the Lord Proprietary and his heirs, lords and proprietaries, but if such person or persons who shall at any time utter or speak any such reproachful words or language, shall not have goods or chattels sufficient and overt within this province to be taken to satisfy the penalty aforesaid, or that the same be not otherwise speedily satisfied, then the person or persons so offending shall be publicly whipped, and shall suffer imprisonment without bail or mainprize, until he, she or they respectively, shall satisfy the party offended or grieved by such reproachful language, by asking him or her, respectively forgiveness publicly for such his offence before the magistrate or chief officer or officers of the town or place where such offence shall be given.

And be it further likewise enacted by the authority and consent aforesaid, that every person and persons within this Province, that shall at any time hereafter profane the Sabbath or Lord's Day, called Sunday, by frequent swearing, drunkenness, or by any uncivil, or disorderly recreation, or by working on that day when absolute necessity doth not require, shall for every such first offence forfeit 2s. 6d. sterling or the value thereof, and for the second offence 5s. sterling or the value thereof and for the third offence, and for every time he shall offend in like manner afterwards 10s. sterling or the value thereof; and in case such offender or offenders shall not have sufficient goods or chattels within this Province to satisfy any of the said penalties respectively hereby imposed for profaning the Sabbath or Lord's Day called Sunday as aforesaid, then in every such case the party so offending, shall for the first and second offence in that kind be imprisoned until

he or she shall publicly in open Court, before, the Chief Commander, judge or magistrate of that county, town or precinct wherein such offence shall be committed, acknowledge the scandal and offence he hath in that respect given against God, and the good and civil government of this Province; and for the third offence and for every time after shall also be publicly whipped. And whereas the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those Commonwealths where it has been practised, and for the more quiet and peaceable government of this Province, and the better to preserve mutual love and amity amongst the inhabitants here,—Be it therefore also, by the Lord Proprietary, with the advice and assent of this Assembly, ordained and enacted, except as in this present Act is declared and set forth, that no person or persons whatsoever within this Province or the Islands, ports, harbours, creeks or havens thereunto belonging, professing to believe in Jesus Christ, shall from henceforth be anyways troubled, molested or discountenanced, for or in respect of his or her religion, nor in the free exercise thereof, within this Province or the Islands thereunto belonging, nor anyway compelled to the belief or exercise of any other religion against his or her consent, so as they be not unfaithful to the Lord Proprietary or molest or conspire against the civil government, established or to be established in this Province under him or his heirs; and that all and every person or persons that shall presume contrary to this Act, and the true intent and meaning thereof, directly or indirectly, either in person or estate, wilfully to wrong, disturb or trouble, or molest any person or persons whatsoever within this Province, professing to believe in Jesus Christ, for or in respect of his or her religion, or the free exercise thereof within this Province, otherwise than is provided for in this Act, that such person or persons so offending shall be compelled to pay treble damages to the party so wronged or molested, and for every such offence shall also forfeit 20s. sterling in money or the value thereof, half thereof for the use of the Lord Proprietary and his heirs, Lords and Proprietaries of this Province, and the other half thereof for the use of the party so wronged or molested as aforesaid; or if the party so offending as aforesaid shall refuse or be unable to recompence the party so wronged or to satisfy such fine or forfeiture, then such offender shall be severely punished by public whipping and imprisonment during the pleasure of the Lord Proprietary, or his lieutenant or chief Governor of this Province for the time being, without bail or mainprise.

And be it further also enacted by the authority and



consent aforesaid, that the sheriff or other officer or officers from time to time be appointed and authorized for that purpose of the county, town or precinct where every particular offence, in this present Act contained, shall happen at any time to be committed, and whereupon there is hereby a forfeiture, fine or penalty imposed, shall from time to time distrain, and seize the goods and estates of every such person so offending as aforesaid against this present Act or any part thereof, and sell the same or any part thereof for the full satisfaction of such forfeiture, fine or penalty as aforesaid, restoring to the party so offending the remainder or overplus of the said goods and estate after such satisfaction so made as aforesaid.”—(*Archives*, I, pp. 244-47.)

## APPENDIX L.

### AGREEMENT OF THE PEOPLE.

“Agreement of the People of England, and the Places therein Incorporated, For a Secure and Present Peace, Upon Grounds of Common Right, Freedom and Safety. . . .

Section 9th.—Concerning religion,—We agree as followeth:—It is intended that the Christian religion be held forth and recommended as the public profession in this nation, which we desire may, by the grace of God, be reformed to the greatest purity in doctrine, worship and discipline, according to the word of God; the instructing of the people thereunto in a public way, so it be not compulsive; as also the maintaining of able teachers to that end and for the confutation or discovery of heresy, error, or whatever is contrary to sound doctrine is allowed to be provided for by our representatives; the maintenance of which teachers may be out of a public treasury, and we desire not by tithes. Provided that Popery or Prelacy be not held forth as the public way or profession in this nation.

(2) That to the public profession so held forth, none be compelled by penalties or otherwise, but only may be endeavored to be won by sound doctrine, and the example of a good conscience.

(3) That such as profess faith in God by Jesus Christ, however, differing in judgment from the doctrine, worship or discipline publicly held forth as aforesaid, shall not be restricted from, but shall be protected in, the profession of their faith and exercise of their religion according to their conscience, in any place except such as shall be set apart for the public worship; where we provide not for

them, unless they have leave, so as they abuse not this liberty to the evil injury of others, or to actual disturbance of the public peace on their part. Nevertheless, it is not intended to be hereby provided that this liberty shall extend to Popery or Prelacy.

(4) That all laws, ordinances, statutes and clauses in any law, statute or ordinance to the contrary to the liberty herein provided for in the two particulars next preceding concerning religion, be and are hereafter repealed."—(*Parliamentary History of England, From the Earliest period to the year 1803.*).

Whitelocke says, "the frame of this Agreement of the People, thought to be for the most part made by the Commissary General Ireton, a man full of invention and industry, who had a *little* knowledge of the law which led him into *more* errors."—(*Memorials*, II, p. 473.)

## APPENDIX M.

### ACT OF PARLIAMENT.

For the preventing of the growth and spreading of heresy and blasphemy. Be it ordained by the Lords and Commons in this present Parliament assembled that all such persons as shall from and after the date of this present ordinance, by preaching, teaching printing or writing, maintain and publish that there is no God, or that God is not present in all places, doth not know and foreknow all things, or that He is not Almighty, that He is not perfectly holy, or that He is not eternal, or that the Father is not God, or that the Son is not God, or that the Holy Ghost is not God, or that they three are not one eternal God: or that shall in like manner maintain and publish that Christ is not God equal with the Father, or shall deny the manhood of Christ, or the Godhead and Manhood of Christ are several natures, or that the humanity of Christ is pure and unspotted of all sin, or that shall maintain or publish as aforesaid, that Christ did not die, or did not arise from the dead, nor is ascended into heaven bodily, or that shall deny that his death is meritorious in the eyes of believers, or that shall publish or maintain as aforesaid that Jesus Christ is not the Son of God, or that the Scripture . . . is not the word of God, or that the bodies of men shall not rise again after they are dead, or that there is no day of judgment after death: All such maintaining and publishing of such error or errors with obstinacy therein, shall by virtue thereof be adjudged felony.



And all such persons upon complaint and proof made of the same, in any of the cases aforesaid, before any two of the next Justices of the Peace for that place or county, by the oaths of two witnesses (which said Justices of the peace in such cases shall hereby have power to administer) or confession of the party, the said party so accused, shall be by the said Justices of the Peace, committed to prison without bail or mainprize, until the next gaol delivery to be holden for that place or county; and the witnesses, likewise, shall be bound over by the said Justices, unto the said gaol delivery to give in their evidence; and at the said gaol delivery the party shall be indicted for felonious publishing, and maintaining such error: and in case the indictment be found and the party upon his trial shall not abjure his error and defence and maintenance of the same, he shall suffer the pains of death as in the case of felony, without benefit of clergy: But in case he shall recant or renounce and abjure his said error or errors, and the maintenance and publishing of the same he shall nevertheless remain in prison until he shall find two sureties, being subsidy men that shall be bound with him before two or three more Justices of the Peace or gaol delivery, that he shall not henceforth publish or maintain as aforesaid the said error or errors any more; and the said Justices shall have power hereby to take bail in such cases.

*Journal of the House of Commons.*

*Journal of the House of Lords.*

(London, 1647-1839.)

## APPENDIX N.

### A BRIVIAT OF THE PROCEEDINGS OF THE LORD BALTIMORE.

(From Thurloe's *State Papers*.)

The province of Maryland, in that state, wherein it stood under the Lord Baltimore's government, had more need of reducing than any English plantation in America, for these reasons, viz:

1. The covenant, laws, and platform of government established in England declare the suppression and extirpation of popery, to which his highness oath tends; but the Lord Baltimore's government declares and swears the upholding and countenancing thereof, both by the officers and people.

2. The Lord Baltimore exercised an arbitrary and tyrannical government, undertook a princely jurisdiction, styles himself absolute lord and proprietor, constituted a privy council, most of papists, and the rest sworn thereto. This privy council must be the legislative power, that is to put in execution such laws which the Lord Baltimore himself makes and imposeth; and he makes what laws he pleaseth. The people are indeed called to assemblies, but have neither legislative power nor of judicature, that being appropriated to the privy council or Upper House, so that what is determined by them, admits of no reference or appeal.

3. The Lord Baltimore's grants of land are made, to the end that the grantees might be the better enabled to do him and his heirs all acceptable service, for the tenure is for all service, to which\* they must all swear, before they have any grants, without any relation to, or mention of the supreme authority of England, either in this, or any thing else that passeth there.

4. That the Lord Baltimore issued writs and all other process whatsoever, in his own name.

5. Charles Stewart, son to the late King, was in Maryland proclaimed king of England, &c., against which no act, order or proclamation hath been published by the Lord Baltimore or his officers; for although Mr. Greene who made the proclamation was put out of the Government, yet that action was not mentioned to be the cause, but other matters against the Lord Baltimore.

6. That there was a notable practice and compliance of the Lord Baltimore and his party with the late king's party in Virginia, against the Parliament and their ships, the said Lord Baltimore having gotten commission from the King at Oxford to seize and take the ships and goods of all such as would not pay the customs there, which the Lord Baltimore was to receive, and undertook to put in execution, but failed thereof through the country's non-compliance; which had it took effect as he designed, would have engaged the country in a war against the Parliament, to the apparent ruin and destruction of that plantation, besides the exceeding great damage and loss to the state here, in point of revenue, custom, excise, &c., the hindering of trade and navigation, loss of ships and goods to the merchants, and the strengthening of the King's party.

Since the reducement of the province under the obedience of the Commonwealth of England:

1. That the Lord Baltimore hath utterly disowned and contradicted the said reducement (though acted by commission and instructions from the council of state by authority of Parliament, by the commissioners appointed, and

the ships sent over for that purpose) terming it rebellion against himself and his government there, scandalizing and abusing the commissioners of the Commonwealth of England with the opprobrious names of factious, seditious, malicious and rebellious persons, that they should stir up the people to sedition and rebellion, and were the abettors thereof.

2. That the Lord Baltimore hath from time to time instigated and animated his officers to oppose and act contrary to the said reducement, as well by force of arms as otherwise, commanding them to apprehend the State's commissioners and their complices, as rebels to him, and deal with them accordingly; requiring his officers to proceed in his own way of government, and to carry all in his name as before, notwithstanding anything done by the said commissioners; and to undertake to justify them in such their proceedings, and to bear them out in it, and further most unjustly and cruelly disseised Capt. Claiborne and others of the island called Kent, though seated and peopled under the Virginian government three or four years before the King's grant to him; and not the land only, but the estates and lives too, of such as opposed him or his officers, hanging some and killing others, who sought the preservation of their rights from Popish violence. Such a beginning had that unhappy plantation, being founded upon the rights and labours of other men, and begun in bloodshed and robbery, and all manner of cruelty.

3. The Lord Baltimore, in his last letter to Capt. Stone doth blame him for resigning up his government into the hands of the Lord Protector and Commonwealth of England, without striking one stroke; taxing him in effect with cowardice, that having so many men in arms, he would not oppose, saying that Bennet and Claiborne durst as well have been hanged, as have opposed him; or to that effect.

4. That in the last rebellion against his highness the Lord Protector and Commonwealth of England, and the government established in Maryland by their authority, the said Lord Baltimore and his officers have in high measure abused the name of the Lord Protector, and under that notion have committed many notorious robberies and murders against peaceable and loyal subjects of the Commonwealth of England and his highness the Lord Protector; and to this end, raised men in arms, conferring honors on base and bloody minded people, as well Papists as others, and employed them in a violent and formidable manner in battle array with Lord Baltimore's colours displayed, to fight against the Lord Protector's people and government, yea, to shoot against his highness's colours, killing the ensign-bearer; by which means much blood hath been shed,

many made widows and fatherless, and great damage, danger and distress brought upon the whole province. The Indians likewise taking occasion and advantage hereby to fall upon the frontier plantations, have killed two men, and taken some prisoners.

Before the alteration of the Government here in England, the Lord Baltimore obtained a patent from the King for a tract of land in the bay of Chesapiak in Virginia, pretending the same to be unplanted: by this mean takes away the lands from the Virginians, to whom the same of right belongs, and not only so, but takes away the trade with the nations which they had so many years enjoyed; and not being able to manage the trade himself, left it to the Swedes and Dutch, who furnished the Indians with powder, shot and guns, to the great damage and danger of these plantations, and his highness's subjects.

Objections against Lord Baltimore's Patent—Reasons why the government of Maryland should not be put into his hands.—(*Thurloe Papers.*)

'By the Patent, he was to have no land but what was uncultivated and inhabited by Pagans. Maryland included the Isle of Kent which was inhabited long before Maryland was ever heard of. The Patent provides that the laws were to be made with the advice and consent of the freemen of the Province, but the people in Maryland have no laws but what he allows and consents to: The laws were to be made agreeable to those of England, but this condition is also violated: It was provided that God's Holy and true Christian religion and the allegiance to England should not suffer, but as to religion the governor and those of the Council in Maryland are bound by oath to defend and maintain the Catholic religion and the free exercise thereof, and refused to issue writs in the name of the Keepers of the Liberties of England. Lord Baltimore caused Stone to take up arms.'

The following reasons are given against Lord Baltimore retaining his patent:

1. His 'dissatisfaction and malignancy' against Parliament, his being in communication with the King at Oxford, taking possession of Ingle's ship, and tampering with the seamen in order that it might be taken to Bristol then in the King's possession, his proclamation of King Charles II.

2. 'In respect to the petitions of the inhabitants of Virginia and Maryland against a Popish, monarchical government, so against the interests of the Protector. In order to the peace and the common good of those plantations

which mainly consist in uniting and keeping them under one government, whereby dissensions, quarrels, cutting throats, etc., all likely to arise between neighboring plantations may be prevented; the Protector's authority be established; trade encouraged, excessive planting of tobacco restrained, so making way for silk; 'besides the old great, sad complaint of seducing of poor Protestants, and Papists to bear rule over the free born subjects of this nation, will be likely hereby in some measure taken off, and yet those of the Popish persuasion not debarred from any lawful liberty and free in civil things or exercise of conscience.'

SAMUEL MATTHEWS.  
RICHARD BENNET,

A PAPER RELATING TO MARYLAND—*Thurloe State Papers*.

Specious Pretenses of Lord Baltimore to the Patent of Maryland.

(1) Lord Baltimore's Patent was surreptitious, James having passed the same by patent to the planters and adventurers of Virginia, and they actually possessed the Isle of Kent, etc.

(2) Maryland Grant was exorbitant.

(3) Contrary to law to put subjects of the Commonwealth under perpetual government of a Papist.

(4) Lord Baltimore's maladministration of his government; (no laws but of Proprietary's making,—Authority of Protector not upheld,—Catholic religion allowed,—Ingle's ship seized,—Stone ordered to resist, etc.)

CONCERNING LORD BALTIMORE AT OXFORD.

"Whereas, it is said that the Committee for Petitions in the time of the little Parliament rejected the petition of Colonel Matthews concerning the Lord Baltimore, it is not so. They were so far from slighting the same that they considered it too high for them and therefore ordered the business to be transmitted back again to the Council of State, as more proper for their consideration."

'Whereas, Lord Baltimore alleges that the word Maryland was stricken out of the letter of instructions for the reduction of the colonies, and the actions of the Commissioners were therefore unlawful, it is alleged in contradiction that Parliament knew well that Maryland was situated in the Chesapeake, and approved of the Commissioners' ac-

tions as is evidenced by the letter of instructions sent the next year, that in the report drawn up for Parliament it is expressly stated that Maryland was intended, Cromwell's letter to the Commsisioners expresses his approval, etc.'

*Thurloe Papers.*

Regarding the engagement of March 25th, 1655.

Stone reproved by Lord Baltimore for not resisting.

Recital of Stone's 'fierce, bloody, and brutal' warfare, seizing records, arming papists, attack, murders, etc.

Lastly Captain Fuller, the country being in such a sad, distressed, distracted condition, and so desperately engaged and endangered and like to be ruined through such wicked and bloody insurrection, etc., . . . being authorized . . . God having given those bloody people into his hands . . . thought it a duty to take away the chief and most dangerous incendiaries, etc. . . .

## APPENDIX O.

### QUAKERS.

(1) "The Assembly hath admitted and obliged the Judges to proceed according to the Law of England, and in that law we can take no man's life, nor dispose of any man's estate but by the oath of lawful witnesses.

(2) Many laws of this province not to be repealed directly in words prescribe an oath upon the Holy Evangelists.

(3) Persons though not of tender consciences if they have a mind to pleasure a friend knowing such a declaration not to bind so severely in conscience as an oath, will be apt to pretend tenderness of conscience so to waive a perjury before God.

(4) It will render all testimonies taken in this Province invalid in any Court either in England or in other plantations.

(5) Upon the like act tendered the last Assembly, no person would engage or promise that all persons pretending a tenderness of conscience would so give evidence if settled by a law."—(*Archives*, I, p. 437.)

Again in 1674 the Quakers laid a petition before the House, setting forth their reasons for not taking oaths, it being contrary to their beliefs and against their conscience: also showing how their inability to swear caused them innumerable civil disabilities, losses in their estates, and reduced their power to be of service to the Country, and made the execution of the administrators' office impossible. They therefore, pray the Assembly to do away with the oath

in their regard, promising "if we do break our yea yea, or nay nay in what we testify then let us suffer the same punishment as they do that break their oath and swear falsely. . . . This petition was laid aside until the governor should receive commands from the Proprietary who had formerly had intention of gratifying the desire of these people called Quakers in that kind."—(*Archives*, II, pp. 355-356.)

In February of the same year the Upper House "desires the Lower House to take into consideration the inconveniences and mischiefs that have happened for want of a law in this Province empowering the Chief Judge for probate of wills and testaments to grant letters of administration upon good security given by such persons who for conscience sake cannot swear."—(*Archives*, II, p. 424.) A message is sent to the Lieutenant General asking if he has yet "received any instructions from the Lord Proprietor touching the Dispensation."—(*Ibid.*, p. 427.) On the 30th of the month the matter is again earnestly discussed.—(*Archives*, II, p. 431.)

We find in Sept. 1681, another Act for doing away with the Oath for Quakers was introduced and carefully considered (*Archives*, VII, p. 179), but the almost insuperable difficulties, the dangers to the State and the Charter from such a dispensation, made them slow to come to any decision, anxious though they were to stretch every point in order to give the Quakers the dispensation they desired.

1681.—Later in the session the Chancellor calls attention to the inconsistency of the Quakers showing "that they pretending themselves a people of tender conscience they cannot take an oath, yet in the body of the Act they offer and propose the most severe asseveration that can be fixed in any oath which shows they are only an obstinate people and only quarrel with the form and not with the substance of an oath and only inclined to change the rules of government." The Bill was dissented to.—(*Archives*, VII, p. 184.)

In 1688 Charles Lord Baltimore dispenses the Quakers from oath, when acting as administrators and executors.

In 1695 the Quakers again petition for a dispensation from oaths and complain they have not afforded them the rights of Englishmen. Their petition was refused. Upon the Governor asking them if they did not receive the Privileges of Englishmen, they 'confess they do but they expected some other privileges having been at great charge and expense in helping to serve the government.'—*Archives*, XIX, p. 155.)



## APPENDIX P.

## MR. GLADSTONE AND MARYLAND TOLERATION.

Mr. Gladstone declares "there was no question of a merciful use of power towards others, but simply of a wise and defensive prudence with respect to themselves: that is to say, so far as the tolerant legislation of the colony was the work of Roman Catholics. But it does not seem to have been their work. By the Fourth article of the Charter, we find that no Church could be consecrated there except according to the Church at home. The Tenth Article guaranteed to the colonists generally 'all privileges, franchises and liberties of our kingdom of England.'" Mr. Gladstone seems to have relied again on Neill in "Terra Mariæ," p. 54, where we read: "As he could not by the laws of England make the Church of Rome the established Church, a check was held on all religious denominations, by securing the patronage of all churches that should happen to be built."

Mr. Gladstone says, "By the Fourth Article of the Charter [Cfr. Appendix C] we find that no church could be consecrated there except according to the laws of the Church at home." A careful reading of this clause will show that the King granted a privilege but did not impose an obligation. "The ecclesiastical laws of England did not bind the colonies unless especially mentioned."—(Brantz Mayer, pp. 29-30.) "This charter is sometimes spoken of as establishing the Church of England in Maryland. But this is not correct. The Church of England is not mentioned in the instrument, while the phrase, 'according to the ecclesiastical laws of our kingdom of England,' might mean much or little as circumstances might vary. Baltimore construed the charter as conferring ecclesiastical supremacy on the proprietary which he was to exercise according to those laws. This is to say, as those laws made the king head of the English Church, the Charter made Baltimore head of the Maryland Church. It did not specifically tell him to conform the Church of Maryland to the English model, but left it in his hands to do as he wished and as he found what Church he desired."—Cobb, p. 364, *vide supra*, pp. 56-65.

Mr. Gladstone says: "The Tenth Article [Cfr. Appendix C] guaranteed to the colonists generally 'all privileges, franchises and liberties of our kingdom of England.'" Let the reader here refer to the intolerance of Massachusetts, which was against its charter.—(P. 115-122.) In regard to this Brantly says: "The opinion entertained by some that



the Charter itself enforced toleration is altogether untenable. These provisions did not prevent the Church of England from being afterwards established in Maryland, nor avert disabilities from Catholics and Dissenters.”—(Brantly, W. T., *The English in Maryland*, p. 524—In Justin Winsor’s *Narrative and Critical History of America*.)

Mr. Gladstone says: “It was in 1649 that the Maryland Act of Toleration was passed, which, however, prescribed the punishment of death for anyone who denied the Trinity. Of the small legislative body which passed it, two-thirds appear to have been Protestants, the recorded numbers being sixteen and eight respectively. The colony was open to the immigration of Puritans and all Protestants, and any permanent and successful oppression by a handful of Roman Catholics was altogether impossible. But the Colonial Act seems to have been an echo of the order of the House of Commons at home, on the 27th of October, 1645, that the inhabitants of the Summer Islands, and such others as shall join themselves to them, ‘shall, without any molestation or trouble, have and enjoy the liberty of their consciences in matters of God’s worship; and of a British ordinance of 1647.’”—(*Rome and the Newest Fashion in Religion*, Preface.) In regard to Mr. Gladstone’s first statement,—“It was in 1649 that the Maryland Act of Toleration was passed, which, however, prescribed the punishment of death for anyone who denied the Trinity,” the reader is referred to what has been said regarding the Act of 1649.—(P. 196-208.)

In regard to Mr. Gladstone’s second point, that “of the small legislative body that passed it, [the Act] two-thirds appear to have been Protestant, the recorded numbers being 16 and 8 respectively,” we have already seen that the majority were Catholics.—(See p. 198-201.)

As to the third point, “that the Colony was open to the immigration of Puritans and all Protestants, and any permanent and successful oppression by a handful of Roman Catholics was altogether impossible;” it has been shown that the Colony was open to Puritans and Protestants, through Lord Baltimore’s generosity and liberal toleration. (Pp. 111-122, 199-201.)

Mr. Gladstone says fourthly that “The Colonial Act seems to have been an echo of the order of the House of Commons at home, on the 27th of October, 1645, that the inhabitants of the Summer Islands, and such others as may join themselves to them shall, without any molestation or trouble, have and enjoy the liberty of their consciences in matters of God’s worship.” We can judge how much the Act of 1649 was “an echo” of this order of 1645, by referring to Lord Baltimore’s instructions to his brother

eleven years before (1634), and the unvarying toleration which obtained in the colony under Catholic rule. The Act passed by the House of Commons (Oct. 27th, 1645) orders "That the inhabitants of the Summer Islands, and such others as shall join themselves to them, shall without any molestation or trouble, have and enjoy the liberty of their conscience in matters of God's worship, as well in those parts of America, where they are now planted, as in all other parts of America where hereafter they may be planted; until this House shall otherwise order.—(*Journal of the House of Commons*, IV, p. 325.) This order was, however, inoperative, as it did not pass the House of Lords. If there was an "echo," it was certainly misunderstood when it reached the Puritans of Maryland in 1652, as we have seen.

In making his fifth point, that the Act was inspired by "a British Ordinance of 1647," Mr. Gladstone is scarcely honest, for after positively stating it as a fact, and making use of it as an argument, he naïvely remarks in a note: "An ordinance, not in Scobell's Collection, is mentioned in Rushworth, vol. VII, pp. 834, 840, 841. I cannot say whether this is the ordinance intended by the American writer, probably not, for it excepts Papists and Churchmen, and it does not name the plantations."—(Gladstone, *Rome and the Newest Fashions, etc.*, Preface, XII.) No law of toleration is to be found in the *Journal of the House of Commons*, London, nor in Whitelock's *Memorials*, nor *Rushworth's Hist. Coll.*, nor is there any allusion to it in the *Thurloe State Papers*. To show how much weight this law affords to the argument of Mr. Gladstone, the reader is referred to political conditions at the time and to the Ordinance in full.

(The "American writer" (Neill) who takes as his motto, "*nec falsa dicere, nec vera reticere*" coolly says "The Act of 1649, relative to religion, I have shown was only an adaptation of a similar Act in 1647, by the Parliament of England, then intensely Puritan."—Neill, *Maryland; Not A Roman Catholic Colony*, p. 10.)

In the conflict between the King and Parliament the Catholics, generally, sided with Parliament against the King because Parliament promised religious liberty, but when it came to the point of giving definite assurances to Catholics, some of the Parliamentary party appeared to doubt the sincerity of Catholics.—(Johnson's *Foundation of Md.*, pp. 101-106.) In the Stonyhurst MSS. we read, "The opposite party (the Independents) began to lift its head, to hate the tyranny of the Presbyterians . . . and at last to contend for freedom of conscience, as for their altars and their hearths. The heads of the soldiery sided

with the Independents, and did valiantly, and finally they got possession of the King. When well-nigh all power was in their hands, and they began to lay the foundations of freedom of conscience, to the end that they might establish it more deeply and firmly, they began to draw to their side, with no obscure attempts, the Catholics, who had lately groaned under the most heavy yoke of servitude, and this from no favor towards the Roman Faith, which they hated, but from their hatred of the Penal laws, which formerly enacted against the Orthodox, strike them also, as not attending church, to which they are not willing to be compelled.

“Nor did the Catholics behave sluggishly, for with the hope of obtaining liberty also, they made trial of the dispositions of the soldiers, and a certain most Illustrious Baron sent privily among them, one who should follow the camps, and warily watch for favorable seasons of speech. When another layman had tried this, one thing hindered, which either baffled or certainly delayed our hope, the many things objected against the morals, doctrine and faith of the Catholics, which an unlettered man could not resolve, therefore it was, that one of *Ours* was asked to give his help for the common good of the Catholics, and to uphold the cause, which it was hoped would bring to all Catholics, quiet and the enjoyment of conscience, and of all their possessions. Moreover, if this liberty were once granted, and the doors which deterred many from the Catholic faith rescinded, a wide door is opened to the conversion of all England. The matter being brought before the Vice-Provincial, and counsellors having been heard, it was thought good to designate Father N. N. a professor of theology, who should refute the objections to our faith, and doctrine, and explain it when needful to the soldiery. He, when he saw that he would have to deal not with any private soldier, but with those who had the management of military affairs (commonly called ‘agitators’—*agitatores*—) appeared, though unwillingly, at their assembly. He did, however, so appear, for at the first meeting he so satisfied the president in refuting objections, that in full Senate (I should more rightly say *plebiscitum*) when many things had been said on this side and on that, and had been answered by our theologian, they came, with none gainsaying, to the opinion that Catholics might be admitted to fellowship in the benefit, and to the privilege of liberty. Thus was said and done in the lower chamber (*subsellio*) but because it had to be referred to the Upper, it brought only a fair dawning of our hope, not yet sunrise much less full day.

“Drawn on by this beginning of the matter, the Illustrious Baron, certain nobles eminent for their skill and prudence in the conduct of affairs, being also joined in council with him, wisely thought it well to proceed further and use the help of the theologian. So all thought it necessary, that the counsels of the Catholics and the wishes of the agitators or assistants should be imparted to the generals (*belli ducibus*) colonels (*chiliarchis*), and leaders of the soldiery, that is to say, to the council of war (by whose mind and opinion Parliament (*comitia publica*) was almost wholly swayed at this state of affairs. This was a more serious and difficult matter, for some, gaping after the goods of Catholics, which were now confiscated everywhere, seemed disposed to be subserving the avarice of the soldiers; they ill-brooked that these should revert to their owners, and for themselves to be disseised of that prey. Others from a hatred to the faith and a most wicked animosity against the Roman See, alleged many things which, as incompatible with the rule of the Independents, would disturb their Commonwealth. Here the theologian and the nobles had great labor (*lit.* “had to sweat.”) They promised that so far as the Commonwealth was concerned, all things should be undisturbed, that there was nothing in the faith and morals of Catholics which did not well agree with the commerce and society of the heterodox; whereunto Germany, Holland and other provinces bear witness, where Catholics dwell in peace under the rule of others, enjoying liberty of conscience, finally that they bound themselves to render all civil obedience to the King and magistracy; nor was this pledge made by the Catholics without consulting the King, that his Majesty might suffer no detriment. The most factious could object nothing to this, save only that all Papists were slaves of the Pope, servile to his rule, everywhere serving his will, and so subject to his sway that they would make this pledge, and every compact entered into with the heterodox, would stand or fall not otherwise than according to the Pope’s will. That nothing certain or constant was to be looked for from those who so stubbornly cling to the power and will of the Pontiff, and teach that faith is not to be kept with heretics. Who does not see that these things were said from a desire of faction? So the Catholics urged in reply that the Papal power did not extend to things unlawful; that the Pope, without doubt, would consent to this pledge wherein the welfare of his flock is consulted, where the free exercise of their religion is promised, where all the laws offending against the faith are either silent or are rescinded. Finally, if he should consent, he would not easily go back from his promise given, nor would he absolve those who had pledged their faith. This

address was able to move some to assent but was not able to influence all. It was therefore decreed that the Catholics should be admitted to liberty of conscience and the enjoyment of their goods on this condition and not otherwise—that they should affirm in writing, and in express terms, that the Pope could not invalidate this agreement made with them, nor absolve Catholics from its obligation.” (Johnson, pp. 103-106, quoting *Stonyhurst MSS.*, vol. Ang. Hist., 1645-1647.)

In reply to this the Superiors of the Clergy in England, of the Benedictines, Carmelites, Franciscans, Jesuits, etc., signed the following “formula:” “That all penal statutes which hitherto retain their force against Roman Catholics shall be revoked, and furthermore, that they shall enjoy liberty of their conscience by concession of Parliament, it shall be determined that it shall not be lawful for any person or persons, subject to the Crown of England, to profess, or to recognize as true, or otherwise to persuade these following propositions:

1. That the Pontiff has the power of absolving any person or persons from their obedience to the civil government established in this nation.

2. That it is lawful, by virtue of a command or dispensation of the Pontiff or the Church, to slay, destroy or otherwise injure or offend any person whatsoever, because they are either accused or condemned, or censured, or excommunicated on account of error, schism, or heresy.

3. That it is lawful in itself, or by the dispensation of the Pontiff, to break faith or oath, given to the aforesaid persons, for the reason that they have fallen into error or heresy.

After consideration of these promises, we sign upon another part of the page, that each of these propositions may be answered negatively, and the names of those subscribing are these.”—(Johnson, p. 107.) This proposal was laid before Parliament and was rejected. Instead the following was offered as a basis of religious toleration:

“Propositions to be offered to Catholics, or conditions to be observed by them, if they desire to enjoy the general liberty of conscience:

1. That no Catholic shall bear arms.

2. That they shall hold no office in the Commonwealth.

3. That they may have the exercise of Religion privately, *only* in their own houses.

4. That it shall be held a capital crime if any one, by writing, printing, preaching or teaching, shall promulgate or persuade these following heads:—

- I. That it is lawful in itself, or by virtue of a dispensa-

tion of the Pope, not to keep a promise or oath with a heretic for this sole reason that he is a heretic.

II. That it is lawful, by precept or dispensation of the Pope or the Church, to slay, destroy, or otherwise injure or damage any one, for the reason that he is accused, condemned, censured, or excommunicated, on account of error, schism, or heresy.

III. That the Pope or the Church has the power of absolving from the obedience to be shown to the civil magistracy, when and so long as the persons who might be absolved enjoy the common laws and liberties of the nation.

5. That it shall be a capital crime if any Roman Catholic has intelligence with any foreign State or person whatsoever, hostile to this nation, concerning the public affairs thereof.

6. That the revocation of the penal statutes shall only extend to native subjects of this nation."—Johnson, 108-109.

This was the attitude of the Parliament which, indeed, did, in Oct. 1645 pass an order declaring that the inhabitants of the Summer Isles should enjoy freedom of conscience in matters of religion. "Their proposition for liberty of conscience as above formulated to the Roman Catholics, was the only sound which they ever made, from which the statute of toleration of Maryland could have been 'an echo.' The moment they secured power in England and in Maryland, they signalized it by the bitterest intolerance."

#### LAW OF 1647.

October 6, 1647.—"The Ordinance for the settling the Government of the Church in a Presbyterial Way, this Day reported to the House, took up the debate of the whole day and ordered to be committed, and to be brought in again, with a Clause for *giving ease to tender Consciences* of such as are Godly, and make a Conscience of their Ways, etc. And this to be sent along with other Propositions for his Majesty's Assent."—(*Historical Collections, by John Rushworth*, 2nd ed. vol. VII, p. 834.)

October 13th, 1647.—"This day being Oct. 13th both Houses sat upon the Business of Religion, and how far the Presbyterial Government shall be set up in this Kingdom, and His Majesty's Concurrence to be desired to the same and several Votes passed hereupon. The Lords proceeded thus far in a Grand Committee That the King be desired to give his Consent to such Act or Acts of Parliament as shall be presented to him for settling the Presbyterial Government according to the Matter of the several Ordinances of Parliament already agreed upon for the Directory of the



Church Government, to continue for the space of three years, from the time of the King's assent given to the said Act or Acts, with Provision to be made that no Person shall be liable to any Question or Penalty, only for Nonconformity to the said Government or to the form of Divine Service appointed in the said Ordinances: And that such persons as shall not voluntarily conform to the said form of Government and Divine Service, shall have liberty to meet for the Service and Worship of God, and for Exercise of Religious Duties and Ordinances, in any fit and convenient places, so as nothing be done by them to the disturbance of the Peace of the Kingdom. And provided that nothing in this Provision shall extend to any Toleration of the Popish Religion, not to exempt any Popish Recusant from any penalties imposed on them for the exercise of the same. And also that it shall not extend to tolerate the practise of anything contrary to the Principles of Christian Religion, contained in the Creed, commonly called the Apostles' Creed as it is expounded in 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 Articles of the Church of England, according to the true sense and meaning of them, and as they have been cleared and vindicated by the Assembly of Divines now sitting at Westminster; nor of anything contrary to the Point of Faith; for the ignorance whereof men are to be kept from the Sacrament of the Lord's Supper, as they are contained in the Rule and Direction, past for that purpose by both Houses October 20, 1645.

And also provided, That nothing herein shall excuse any Persons from the penalties of the Statutes of *primo Eliz.* Cap. 2. for not coming to hear the Word of God on the Lord's Day in any Parish, Church or Chapel, unless he can show a reasonable Cause of his Absence, or that he was present to hear the Word of God preached unto him elsewhere.

The Commons likewise insisting upon the Business of Religion, passed several Particulars: As 'That *Presbytery* be established, and for the time, until the end of the next Sessions of Parliament after this, or the end of the Second Sessions of Parliament. That the tenths and all other Maintenance belonging to any Church or Chapel, shall be only for the use of those that can submit to the *Presbyterian* Government and none other: That Liberty of Conscience or Worship granted, shall extend to none that shall print, preach, or publish contrary to the first 15 Articles of the 39, except the Eighth, which mentions the Three Creeds made many years after the Apostles: That nothing contained in this Ordinance shall extend to any Popish Recusant, or taking away of Penal Laws against them.'—(Vol. VII, p. 840.—*ibid.*)

October 14th, 1647.—The Commons further proceeded in the Business of Religion and Church Government, and agreed, 'That such tender Consciences should be freed by way of *Indulgence from the Penalty of the Statute for the Presbyterian Government*, for their Nonconformity, who do meet in some other Congregation for the Worship of God on the Lord's Day and do nothing against the Laws and Peace of the Kingdom; and that none others shall be free from the Penalties of the Statute *1 Eliz. Cap. 2.* (*Ibid.* vii. p. 841.)

October 16th, 1647.—The Commons on Oct. 16 further proceeded in the Debate of that Proposition concerning Religion, and made a further additional Vote, 'That the Indulgence, as to Tender Consciences, before mentioned, shall not extend to tolerate the use of Common Prayer in any Place whatsoever.—(*Ibid.* vii. p. 842.)

Nov. 8th, 1647.—A Message was sent to the Lords to desire a speedy Concurrence for Despatch of the Propositions of the King; to which the Lords Concurred, and met presently; and they were delivered to their Lordships as passed by the Commons House." Those added are, 1, 'For the due observance of the Lord's Day' 2, 'Against Innovations in Religion' 3, 'For an Oath or Conviction of Papists, differing from that of Abjuration, but for discovery of that, and for that end;' 4, 'For the Education of the Children of Papists in the Protestant Religion;' 5, 'Against Pluralities.'—(*Ibid.*, vol. vii, p. 865.)

The intolerance of this Parliament may be further shown by calling to mind that it passed one ordinance, among others, commanding all Papists whatsoever, to depart 20 miles from London, on pain of being apprehended and proceeded against as traitors. This did not include those who had made composition, or secured their fines, or who had taken the required Oath.—(Rushworth, *ibid.* vii. p. 933.) See Appendixes L, M, N.

## APPENDIX Q.

### REPLY OF THE UPPER HOUSE TO THE LOWER HOUSE.

"The Papists, gentlemen, are so far the principal objects of our regard as your design is to oppress them by the measure you would introduce, and we do most sincerely declare to you that any man, let their persuasion on religious matters be what they will, in the same circumstances as the Papists, would be as much the objects of our regard as they are; and that popular applause to be purchased by the inhumane act of wantonly persecuting any Christians, nay any Infidels, we not only do not desire but



abhor, and shall despise any calumny for not doing what our conscience forbids us to do. What you may mean by naming your undoubted right, we cannot comprehend, is it your undoubted right to banish them because they are obnoxious to you? We offered in our message that the first settlement of this Province was made by Roman Catholics who had been driven from their native country by the severity of its laws, and after the services these people had done in extending the dominion of the Crown, and had been promised and allowed an asylum here, an Act of the legislature would have the effect of banishing their posterity, when it can't be pretended that it is necessary such an extreme measure should take place, could not be defended upon any principle of justice or policy. You have been pleased to remark upon this passage of our message, that you have not been able to discover anything in history or otherwise to justify or countenance our assertions that the Papists were promised and allowed an asylum here. It may be so, but it is not our fault that you have not, and to be plain with you, we should have refrained from telling you what you have been pleased to acknowledge, by the apprehension of its offence. However, as you have desired to have this matter explained and we flatter ourselves it may have some effect, we shall undertake to do it in as full a manner as the shortness of the time will admit. The Province was granted by charter to Cecilius, Lord Baltimore, the 20th of June, 1623, who was then a Roman Catholic. . . . After the Charter was granted to Lord Baltimore, who was then a Roman Catholic, his Lordship emitted this proclamation to encourage the settlement of his province, promising therein, among other things, liberty of conscience, and any equal exercise of religion to every denomination of Christians who would transport themselves and reside in his province, and that he would secure a law to be passed for that purpose afterwards. At the first or second Assembly that met after the colonists arrived here, sometime in the year 1638, a perpetual law was passed in pursuance of his lordship's promise, and, indeed, such a law was easily obtained from those who were the first settlers. This act was confirmed in 1640 and again in 1650. [Here follows the Act Concerning Religion of 1649; then a recital of the Protector's inquiries into the state of the Province in 1655.] In the year 1657, Lord Baltimore made the following declaration 'that he would never give his consent to the repeal of the Act Concerning Religion, by which all, persons professing to believe in Jesus Christ should have freedom of conscience, which was confirmed by the Act of Assembly. Part of the oath directed to be

taken between 1636 and 1657 by the Governor and Council was in the following words: 'I will not by myself or any other person directly or indirectly, trouble or discountenance any person whatsoever professing to believe in Jesus Christ, for or in respect of his or her religion, or in the free exercise thereof. So far the oath was common to the Governor and the Council but the governor proceeds further 'that he would make no difference of person in conferring offices, rewards or favours proceeding from the authority his Lordship had conferred upon him, for or in respect of their religion, but merely as they should be found faithful and well deserving and endued with moral virtues and abilities fitting, wherein his principal aim should be sincerely the advancement of his Lordship's service and the public unity, and if any person or officer should molest any person professing to believe in Jesus Christ on account of his or her religion, the person molested was to be protected, and the person offending to be punished.' The oath of fidelity which was taken by the inhabitants of this Province in virtue of an Act of 1650 was to the following effect: I will maintain to the utmost most of my power his Lordship's just and lawful rights, etc., as guaranteed to his Lordship in his patent under the Great Seal, not being any way understood to infringe or prejudice liberty of Conscience in matters of religion. The Grant to Lord Baltimore, who was a Papist, his Lordship's promises and declarations, the confirmations of them by Acts of Assembly, and the oaths we have recited, we hope will amply justify our assertion that the Roman Catholics were promised and allowed an asylum here. As you have been pleased to say that you have not discovered anything in history, or otherwise, to countenance our assertion, we shall mention some passages from books for your satisfaction, though we must observe to you that writers may be mistaken or misrepresented, but the evidence we have produced can't mislead. Mr. Bowen, speaking of Maryland says: 'The first colony sent to Maryland was in 1633, and consisted of two hundred people. The chief of these adventurers were gentlemen of good families and Roman Catholics; for persons of that religion being made uneasy as well as Protestant Dissenters, they transported themselves to this Province, hoping to enjoy there the liberty of their conscience, under a Proprietary of their own profession, as the then Lord Baltimore was. King James II before the Revolution intended to take from the Lord Proprietary the power of appointing a Governor, being instigated thereto by Father Peters, which seems something surprising since Lord Baltimore was of the same religion as himself, but must be observed that Lord Balti-

more though a Roman Catholic had been so moderate and so politic as to grant full liberty of conscience to all those who should settle in Maryland.' So far Mr. Bowen Ogilby in treating of the province says: 'That Maryland at the vast charge and by the unwearied industry of Lord Baltimore was at first planted, and hath since been supplied with people and other necessities so effectually that in the present year, 1671, the number of English amounts to 15 or 20,000 for whose encouragement there is a fundamental law established there whereby liberty of conscience is allowed to all who profess to believe in Jesus Christ, so that no man who is a Christian is in danger of being disturbed for his religion.' Morden upon the same subject says: 'that the peopling of the Province of Maryland by the vast expense and industry of Lord Baltimore hath been improved to that height, that in 1670 there were reckoned nearly 20,000 inhabitants, and that which keeps them together in the greatest peace, order, and concord, is the liberty of conscience to all who profess to believe Christianity, so that everyone lives quietly and peaceably with his neighbor, neither molesting nor being molested for difference in judgment of religion.' Dr. Douglas, upon the same subject says: 'That towards the end of King James' First's reign, Sir George Calvert, Principal Secretary of State, afterwards Lord Baltimore, obtained a patent for some fishing harbours in Newfoundland. By the reason of the civil troubles in England, these settlements were discontinued, and being a zealous Roman Catholic with other dissenting zealous of other sectaries, he left Newfoundland and went to Virginia.' The same author again, 'Upon a royal proclamation in Virginia, several families went over to settle there, among those was Lord Baltimore, a rigid Roman Catholic, for the advantage of his religion he retired thither, but being ill-used by the Church of England sectary petitioned for a grant of the province of Maryland.' 'For the first two years,' says this author in another passage, 'this settlement cost Lord Baltimore £40,000 sterling, by bringing over people, provisions, etc. Again by an Act of Assembly for the liberty of consciences to all people who profess Christianity, Protestant dissenters, as well as Roman Catholics were induced to settle there.' Salmon, in his *Modern History* says: 'That Lord Baltimore having obtained a grant of the Province of Maryland, sent over his brother with several Roman Catholic gentlemen and other adventurers to the number of two hundred, and many Roman Catholics transported themselves to avoid the penal laws made against them in England, and Maryland has been a place of refuge, etc.' Many

passages from books to the like effect might be cited, but we presume they would be unnecessary. That the Roman Catholics have from the beginning of this war, behaved in a very quiet and inoffensive manner will not be denied. If it should be one proof that we know or have heard of can be produced to the contrary, and very ample testimonials in their favor to which you can be no stranger may be urged."—(*Upper House Journal*, Mss. Folio.)

## APPENDIX R.

### A MEMORIAL TO THE RIGHT HONORABLE THE EARL OF HALIFAX.

It seems of consequence to the British interest in America and particularly in Maryland, that the following facts and circumstances be inquired into thoroughly, and proper remedies applied if they be found to be true.

1. The present Attorney General is known to have been bred at St. Omer's, has never been at a Protestant Church since he entered upon his Commission, but on the contrary has Mass said regularly in his own house and lately sent his own son to St. Omer's for education, agreeable to his character, and refused during the late rebellion to carry on prosecutions for treasonable words and practices.

2. Mr. Attorney's brother also bred at the same foregoing seminary, was for sometime Judge of Assize in Maryland, which occasioned much murmuring, and Philip Lee, Esq., one of the council could not help lamenting publicly the unhappy condition of the province where a Protestant subject might be prosecuted by a Popish Attorney General and tried before a Popish judge; indeed he was removed sometime after, and had abundant recompence made him by two other different posts of profit, honor and trust in Frederick County being appointed clerk of the court, Deputy Commissary, and Receiver of the Lord Proprietary's quit-rents.

3. Indeed people of the Romish profession have all along been too much favored and trusted. There is hardly any employment gives a man so much influence over the inhabitants as the receiving of the quit-rents, for if the Planters omit paying them upon the very day they become due, the Receiver has power to seize his cattle or slaves, to call them at public vendue, perhaps at half value, and so absolutely ruin the poor man and his family. This power consequently enables the Receivers to influence all elections of representatives, and to tyrannize over these of opposite sentiments in religion or politics, yet among all

the Receivers in Maryland, there is scarce a Protestant save one, and he was lately appointed on marrying the agent's daughter, and no wonder then if Protestants are uneasy there when they see so much power put in such hands as will probably on all proper occasions use it to their detriment and to the prejudice of their Mother Country and her constitution both in Church and State.

4. Moreover the Jesuits are not only already possessed of large tracts of land well-cultivated by tenants and well-stocked with slaves, six or seven fine Seats and several public chapels, but they frequently prevail with dying bigots to leave their effects to the Popish Church, by this means that artful society, if not timely prevented, will increase into so much property as cannot be thought of by Protestants without great concern for the consequence.

5. In the time of the late rebellion, the Papists could not help telling the Protestants, in very insulting and shocking terms what they had to expect if their pretended prince should succeed: nay they taught the very negro slaves to believe in such case they should all be free, besides, during the late war, the Jesuits were frequently absent, and were generally believed to carry on a secret correspondence with his Majesty's enemies: it is certain that about a fortnight before the treaty with the six nations of Indians at Lancaster Father Mullenex, the principal of our Jesuits was with them, and there is good reason to suspect that he went as an agent for the French, and that his business was no other than to dissuade the Indians from making peace with us.

6. In the time of the rebellion, this same Mullinex was taken up for treasonable practices, being carried before the Provincial Court, he was so conscious of his guilt, that he begged for his liberty to leave the Province, the Judge, however, resolved to make an example of him, in order to get the fullest and clearest evidence of the facts, postponed the affair for a few days, but Mr. Carroll, a Popish gentleman bailed him out, the Council called Mr. Mullinex before themselves, and having examined him privately, despatched him without any public mark of resentment.

7. But this was not the only instance of great tenderness shown the Roman Catholics in Maryland, for to what else could it be imputed that there was no Proclamation issued by the late Governor, for putting a stop to their excesses till after the London Gazette had confirmed his Royal Highness, the Duke's victory over the rebels at Culloden. The indulgence from time to time showed the Papists, had so raised their spirits, that since the last Assembly, they have publicly insulted several of the members who voted for putting in execution the Penal Laws against

them; Capt. Addison in particular was so abused by one Mr. Lowe on that occasion that he was provoked to knock him down and since that session some of the richest Papists have not only exerted all their interest, but have kept open house, and treated the Electors profusely in order to prevent these members from being rechosen who declared for this bill. Thus matters stand at present, and without a speedy interposition they will probably soon grow worse.—(MSS. Archiepiscopal Archives, Baltimore.)

#### AN ANSWER

*(This seems to have been written by the Attorney-General himself.)*

To a memorial said to be laid before the Right Honourable the Earl of Hallifax, together with some cursory remarks on a report of the Committee of Aggrievances of the Province of Maryland.

It is a rule in Logick, as well as in Law and reason, that a bare denial of Facts, charged without proof to support them, is a sufficient answer; and the most of those, mentioned in the Memorial, might very justly be refuted this way, I shall proceed, however, to consider, and answer them distinctly and severally, as they are there laid down.

1st. *The Attorney General was bred at St. Omer's.* He was born of Popish parents, and by them sent young abroad for education, this being no act of his own, it is unjust to charge him with it, and can only be imputed to his parents, who sent him. But when he arrived to a state of independency and at an age, when he conceived mankind had a right to judge for themselves in the point of religion, he abjured papacy, took the Oaths of Government appointed by Parliament subscribed the test and abjuration, and qualified himself, according to the laws, to hold any place in a Protestant Government that the Supreme Magistrate might think proper to appoint him to, and some years after that, to wit, on the 14th of April, 1744, he was named Attorney General and still continues so.

*But he has never been to a Protestant Church since that appointment.* Although, going to church be not always the test of a man's religion although going to church be not made essentially necessary towards holding an office, yet the declaration of a Gentlemen of Character and a sound Protestant, made at the bar of the Lower House of Assembly (and the oaths of fifty more which might be procured to the same purpose) declaring that he saw the Attorney General at Church, during the whole Divine Service, very fully



refutes the calumny, and falsifies the charge. This indeed might have been unknown to the Memorialist, and he may be only looked upon as too bold an assertor of facts.

*He has mass regularly said in his house.* This is roundly asserted, but stands without proof. He married indeed one of the Popish Communion who still continues of that profession, and if she, at any time, has had mass in his house, it is not even alleged or pretended that the Attorney General, ever knew of it, or that he ever assisted at it. But let us admit, that Mass has been sometimes said there, that it came to his knowledge, and that he connived at it, men of good manners, or of the least politeness, I believe would only esteem this a piece of Complaisance, and condescension which perhaps a warmer bigot, a less indulgent or more clownish husband might positively have denied and prevented. It will then be a very unfair deduction to conclude from hence, that he is a Papist, contrary to the solemn and public abjuration he has made against it, or that Mass is *regularly* said in his house, because his wife may have procured it to be done for her own convenience eight or ten times during the eight or nine years, he has been in office; and I am instructed to say, that by the best information we can get, concerning it, for upon this occasion he has inquired, he cannot find out, that it has been more frequently done, and says, that he should be obliged to these *knowing Gentlemen*, if they could furnish him with any proof that Mass *is*, or *has been* regularly said there.

*He lately sent his son to St. Omer's for education.* An honest narrative of this fact will refute the calumny. He has many children, and like other parents I presume he chose to provide the best he could for them: the Right Honourable the Lady Sturton, with whom he had the honour, it seems to be acquainted, wrote for one of his sons, and proffered to provide for him. Few parents in his condition and circumstances, but would have been tempted with the offer, and accordingly in the year 1742, two years before he was appointed to his office, he sent his youngest son, a child of ten years of age, to her Ladyship in England, and if she gave him an education abroad, in a Popish monastery or elsewhere, the Attorney General by no means contributed thereto, or bore the least share of any expense towards it. It is observable that the son, was sent before the father entered on his office, and after he entered upon it, he could not get him back until about two years ago, when he returned again into this province. Is this *lately* sending his son to St. Omer's or can an act of that nature, done a long time before he was called to his office he deemed a disqualification to hold that office? It is

equally just to contend that going to Mass, whilst a Papist, should render him incapable, notwithstanding the oaths he had taken, and the abjuration he has made, from enjoying any of the advantages and privileges of a Protestant. How disingenious then are his accusers. The Right Honourable the Lady Sturton, now living can prove the truth of this narrative. I am now come to the last, and if true, I think the heaviest charge against the Attorney General, it being no less than a breach of his duty in a very essential part of his office. *For agreeable to this character says the Memorialist, he refused during the late rebellion to carry on prosecutions for treasonable words and practices* and by his letter refers to an instance which happened in Calvert County at the Assizes, the case of Samuel Harrison. The report refers to the same, and by doing so, I think has spared me the trouble of answering the charge. For by setting the case more fully forth, it shows how very trifling an instance they are drove to rely on, and evidences, that he has not only prosecuted but also fined.

The truth of the case is really this, William Harrison was presented by the grand jury for speaking those words mentioned in the report. He is an unfortunate young man who had married a near relation of the Attorney Generals and at that time very much reduced in his circumstances. The Attorney General, very reasonably judged, that he might be suspected of partiality, and to avoid this he directed Wm. Clark who prosecuted at that time and still continues to prosecute the pleas of the Crown, and of the Lord Proprietary for that County, to manage and carry on the prosecution against Harrison. It was accordingly done, and he was *fin'd* proportioned to his circumstances. How hard are these men then to be pleased, and how unreasonable in their malice and ill-nature, to put such constructions on an Act, done with no other view, than to avoid their censure and escape their reflections. Whose conduct now stands fairest in view: *his*, who procured impartial justice on an offending relation, or *theirs* who invidiously insinuate, that offenders escape with impunity by charging that he refused to carry on prosecutions against them? but to show the uprightness and candor of his enemies, it may be proper here to observe, and I am authorized to declare, that George Plater, Esq., never gave information to the Attorney General during the late rebellion, or at any other time, of any malpractices or behaviour of Jacobites or Papists, or of any other in St. Mary's County, or elsewhere. I may therefore very justly apply here, what the late witty and ingenious Dean Swift, has somewhere said on the like occasion: *In verity the whole story of the libel is a lie.*



2d. The same answer serves for Mr. Attorney's Brother being bred at a Popish Seminary, as was given for him, it was the act of his parents and not his own such as the Memorialist indeed might possibly have murmured at his being appointed a Judge of the Assizes, and these, were either so few or contemptable, that I may venture to assert, they died away in the low circle of their own Acquaintances, and that none of the complaints ever reached the ear of the Supreme Magistrate.

But that some persons of Rank and figure in the country, might keep them in countenance, he imprudently asserts that *Philip Lee, Esq., one of his Lordship's Council could not help lamenting publickly the unhappy condition of the Province where a protestant subject might be prosecuted by a popish Attorney General, and tried before a popish judge.* But it unfortunately happens, that there is a slight mistake in this. For unluckily the Attorney General was not called to his office, till after the death of the aforesaid Philip Lee. Nor was the judge afterwards removed by the clamours of the people, as is most falsely suggested, but he held his seat as Judge, till by the dissent or expiration of the Assize law, the circuits were no longer continued. Of all the facts the Honourable Thomas Bladen, Esq., at that time Governor of Maryland, who made the appointments, and who is now living in England, can attest the truth if *abundant Compensation* was afterwards made to the judge's by other posts in Frederick County. It was owing to the personal regard the Honourable Samuel Ogle, Esq., the succeeding Governor, who named him to one of them, to that which the honourable the Secretary who commissioned him, to the regard that the Honourable Benjamin Tasker, Esq., who appointed him to another of them, and to these which the Honourable the Commissary General, who conferred the third on him, are well known to have had for him.

3rd. *The people of the Romish communion have been all along too much favoured and trusted.* He then proceeds, to give a very extraordinary instance of this, for after pompously setting forth, the great influence the receivers of his Lordship's rents, have over the people, he roundly asserts, *that if the planter omitted paying them on the very day they became due the receiver has power to seize his best cattle or slaves, to sell them at public vendue, perhaps at half their value, and consequently ruin the poor man and his family.* Hence it might be reasonable to conclude, that there are some arbitrary and despotick powers vested in these receivers, unknown to the laws of England and inconsistent with the right and liberties of a free people. But when we come to learn that they have no other powers, no other authority, but such which are exercised by the

Steward of every Gentlemen in England in receiving and collecting of his rents, the frightful phantome must at once vanish and disappear. That the laws of England are made the rule of conduct in getting in his Lordship's rents, every gentlemen conversant with the affairs of the Lord Baltimore and acquainted with Maryland very well knows.

But to follow the Memorialist a little further *this Power*, says he, *consequently enables them to influence all elections, and tyrannize over those of different sentiments either in religion or politicks, yet among all the receivers in Maryland there is scarce a Protestant save one.*

How true and consistant this account is, I am now to consider the following: *They influence all elections, They tyrannize over people of different sentiments, They are all Papists save one.* But the poor, servile govern'd Electors have chosen a Majority, very disagreeable to these men of influence, a majority, who has actually voted in the last Assembly, for putting in execution the penal laws against them, a majority who in this Assembly has concured with a report, and in everything moved and proposed against them.

If the Memorialist, had been a man of sense, surely he could never have fell on so palpable a blunder, if he is a man of modesty, he would certainly blush and be confounded; but if he has a least regard left to a character, how unfortunate he must be to be confronted and detected in so glaring a falsehood, and instead of one, to find nine protestants and but three Papist receivers in Maryland. This the certificate of his Lordship's agent who appoints them will very clearly evince, and against this proof the publick notoriety of the fact, he or his associates cannot have the effrontery to object.

It is true indeed that one of these received the rent of three counties, the county is divided into fourteen, so that according to the absurd doctrine of the Memorialist, there are five counties under the influence of popish receivers, and nine influenced by protestants. But what is very remarkable not one of those popish receivers is resident in the county where he receives, or even once attended their elections.

*But these receivers* are no public officers, they only collect and gather in the rents of his Lordship's private estates, and by an Act made in this Province some years since, enacting that all persons admitted to enjoy any office or place of trust here, shall take the oaths to the Government directed by the first of George the First, *it is expressly provided that the said Act should not extend or be constructed to extend to the negotiation or management of the Lord*

*Proprietary his private affairs.* And whilst his Lordship is at large, and in the condition of all other noblemen and Gentlemen in England he will, I presume, like them, employ those who will serve him best without any regards to the religions they profess, or what particular church they resort to.

4th. The Jesuits are possessed of large tracts of land have six or seven fine houses, and I find it true that they have four or five good seats and are seized of some large tracts of land, but cannot see how this can be imputed to a fault in the Government, or that it can be offered as an instance to show they *are too much favoured by it.*

This county was granted to the Right Honourable Cecilius Lord Baltimore, by King Charles the First, and by the Royal Charter it is expressly provided, that all people professing faith in Jesus Christ might settle there.

Every person, conversant with the history of that region, knows very well that the papists in England looked upon this country as a place of retreat and an Asylum against the rigorous executing of the penal laws, and the troubles with which England was then agitated,

Many of them therefore went over into Maryland, and among these many gentlemen of fortune and good families, who increased their estates and left their posterity to be envied by such whose passions or principles, taught them to believe, that in a Protestant country Papists had no right to enjoy the same liberties, and the same share of property, in common with their Protestant neighbors. But such principles, no true or honest Protestant will ever avow.

However, to return to my subject, priests were either brought in with these adventurers, or very soon after were sent to their assistance. They like others seeked out for places to inhabit, applied as others did to the proper office for the purchase of land, paid the price which others paid, erected houses, lived in them, yet hold and enjoy them.

In this situation we find them at the Revolution, the priest seized of lands, the Papists in virtue of the Royal Charter enjoying places of profit and trust in common with their Protestant countrymen. But soon after that period, we see them beginning to loose ground, and within a few years, by laws made for that purpose, we find them prevented from holding any post of profit or trust in the Government, or from voting in elections.

But this not being judged sufficient, they were some time after prevented the free exercise of their religion, and in the year 1704, a law was made to prevent the growth of Popery.

On some applications, another act was made the same year for suspending *the prosecution of any priests of the*

*Church of Rome incurring the penalties of the said former Act*, by exercising their function in a private family of the Roman Communion, but in no other case, whatsoever, for *eighteen months, or until Her Majesty's pleasure* therein should be known.

Afterwards the Queen taking it into her Royal consideration and out of her *gracious tenderness* to all her subjects behaving themselves *peaceably and quietly* under Her Majesty's Government, by her Royal order dated at the Council Board at White Hall on the third of January 1705, she was pleased to direct that a new law, or clause of a law, should be enacted in Maryland for continuing the last mentioned suppression Act, without any other limitation of time, than *until her Majesties further pleasure be declared and signified therein*.

In obedience whereunto an Act passed in the year 1707 conformable to the said Royal Order; and in the year 1717 the aforesaid first Act to prevent the growth of popery, was altogether repealed. The first of William and Mary, commonly called the Toleration Act and the several penal Acts of Parliament therein mentioned being before then, enacted to be in full force within this Province; together with one other Act laying a duty on Irish servants to prevent the too great number of Irish papists being imported here.

In this condition, and under the control of these laws, we find the papists at this day, we find Jesuits possessed of estates, on these estates we see some Chappells erected, and find two or three more small ones built on the lands of some papist Gentlemen in different parts of the Province. I cannot find out that more than the parts of two estates, the one a very small one, has been given or bequeathed to them for these 60 or 70 years past.

How that artful Society will *by these means creep into so much property as will give* concern to any reasonable protestants I confess I am at a loss to conceive.

Their numbers are inconsiderable, and 12 or 13 Jesuits, the whole number of priests settled in this Province, I hope can never endanger the rights, liberties or properties of any one Protestant country in the world.

And the Lower House of Assembly no longer ago than the year 1740 gave it as their sense and opinion, that *the few of the Romish Profession here amongst us* (these are their very words) have it neither in their power or inclination to *disturb the peace of this Province*. Who will subscribe to so great an authority.

What reasonable fears can be entertained for these men, or why any new laws should now be made influencing further penalties, or laying them under great restraint at

this period under the mild influence of his Majesty's reign, I must leave to those to consider who have a more immediate direction of them, and may be more concerned and interested in the event.

5th. It would be giving too much credit to this charge to treat it seriously. How ridiculous it is to suppose, that the papists should teach their negroes to believe that if their pretended Prince succeeded *they should be set free*.

And how contemptable must that man appear, who can dive down for evidence into a conversation between the negroes of *Mrs. Eleanor Addison* and those of *Dr. Whithall*, and offer in proof to a Noble Peer, in so great a concern, the allegations of *a race of people*, whom the wisdom of our laws and whom the most Protestant Justice of the Peace, will not admit to give testimony before him, against the most abandoned, profligate and meanest white subject amongst us.

What is said by John Boone is declared by Moses Orme, the witness quoted, to be false. Henry Boone is a married man, has a family, is no lay brother and was never out of this Province, but once to Philadelphia, upon account of his health. Philip Thomas, Esq., declares that he knows nothing, or ever heard before of Mr. Molyneux being at Lancaster or with the Indians, Mr. Thomas Colvill knows nothing of it.

6th. *It is known to every man woman and child* in the country *to be false*, and is a most scandalous abuse of his Lordship's Council.

The Judge indeed is admitted doing his duty, *and resolving to make an example of him*. I am glad to find that one officer in the Government is allowed by those men to Act uprightly.

But it is imprudently charged that the priest was wrested out of his hands, *was called before the Council, privately examined and discharged there without any public mark or resentment*.

This case is also reported at large by the Committee, and the record there set forth, very clearly refuted the calumny. It shows that he was discharged by the Provincial Court, no evidence appearing against him, and not by the Council as is most untruly and imprudently affirmed.

And here it might be improper to appeal to the judges of that Court, to that Honourable Judge who would have done his duty and was *resolved to make an example of him*, and to the then Governor Honorable Thomas Bladen, Esq., if the Attorney General was furnished with the least evidence against him, or if any witnesses summoned on that or the like occasion, were discharged till after an examina-

tion in court, they were found, to know nothing of the matter.

All these witnesses, I hear, are still living, yet in the Province, and may be examined *de novo*. If he has swerved from his duty, and suppress the truth on so important an occasion, if I say, he is found tripping in this. What a glorious opportunity will be here to observe to those *all discerning gentlemen*, to satiate at once their patriot rage, and their most greedy hopes, and to unfold the dark designs, the horrid views, the dangerous plans and the wicked Machinations of this tremendous officer.

This surely is an excellent expedient, its quite a safe one too; for if he is guilty, his guilt by these means will appear to others, who perhaps may be unreasonable enough, to expect some better proof, than the hated charge of his accusers, or the idle whispers of his enemies.

If he is innocent, it shall not avail him, for he is still upon the same charge, and liable to be condemned on the same proofs, viz.: strong assertions, invidious insinuations vague reports, &c.

Strange; that so good, so obvious an expedient should be so much and so long neglected.

7th. He concludes with a most scandalous account of Governour Bladen's unseasonable tenderness to the Roman Catholicks, and that the proclamation he issued out on the success of his Royal highness over the Rebels at Culloden, would hardly have made its appearance had there been an incontestable account of that glorious victory.

It is difficult to answer nonsense, and idle to enter into refutation of objections which have no weight in them.

W. Bladen's loyalty, and the attachment he has to the present happy establishment is too well known to be called in question, by any law or invidious reflections, and these must be extremely prone to slander, who would join in censuring the *omission* of an Act which commonly prudence directed, ought to have *been forbore*, till by an authentick account of the victory, it became *proper*, to put it in execution.

As I cannot learn what papists have insulted *several of the Members of the Lower House of Assembly who voted for putting in execution the penal laws against them* and as the instance given of Captain Addisons knocking down Mr. Lowe upon that occasion, I am told is forged, but if true, is no more than a difference between two protestant Gentlemen (for such it seems they both are) I therefore conclude the whole to be as false, as it is frivolous.

*The papists have kept open houses and treated the electors profusely, &c.* The only instances I can find of this,



is, that of a Gentlemen of a Romish Communion, who gave two or three entertainments about that time, he is Gentlemen of the first fortune amongst us, and conceived that he had been personally ill-treated by two gentlemen who stood candidates for the County he lives in; there were great difference among them, and these are generally believed to be the source from whence all those complaints, Memorials, &c., &c., &c. do arise; He indeed publickly opposed their elections, but did not pretend to vote himself conceiving I presumed that he might by those means, give them an instance of his resentment, and at the same time offended no law in being.

I cant learn one other instance of papists *keeping open house and treating profusely*. But if there be any one man in the Province who knows this, besides the Memorialist, *Let him stand forth that the truth may appear*. Amicus Plato, Amicus Socrates, Sed magis Amica veritatis.—(MSS. Archiepiscopal Archives, Baltimore.)

## APPENDIX S.

### ACADIANS.

“That the wretched Acadians, in a manner quartered upon us, are become a grievance, inasmuch as we are not at present in a situation, and in circumstances, capable of seconding their own fruitless endeavors to support their numerous families, as a people plundered of their effects. For though our magistrates have taxed us, perhaps sufficient to feed such of them as cannot feed themselves, they cannot find houses, clothing and other comforts, in their condition needful, without going from house to house begging, whereby they are become a nuisance to the country hereby unable to afford necessary comfort to their own poor. And as it is no easy task for a Christian to withstand the unfortunate cravings of their distressed fellow citizens, those among us who especially possess the greatest degree of humanity, must, of course, be the greatest sufferers. But this is not all. Their religious principles in a Protestant country, being dangerous, particularly at this juncture, and their attachment to their mother-country, added to their natural resentment of the treatment they have met with, render it unsafe to harbor them in case of any success of the enemy, which visibly affords them matter of exultation on the slightest news in favor of the French and the Indians. We therefore pray that you will use your endeavors in the Assembly to have this pest removed from among us, after the example of the people of Virginia and Carolina, at their own

expense, as they request, or otherwise as the Assembly shall, in their wisdom, think fit. We humbly conceive that any apprehensions of their adding to the strength of the enemy, if transported into their colonies, would argue a degree of timidity not to be approved of. That, on the contrary, they would rather be burdensome to their country in their present circumstances encumbered with their wives and children whose immediate wants will, for a long time, employ the utmost industry of a few able-bodied fathers amongst them. Besides, they need not be discouraged without binding them as strongly as people of their principles can be bound, by an oath of neutrality for so long time as may be judged needful. It will have perhaps this further effect, that since they so earnestly desire to quit his Majesty's protection, in a manner renouncing it, they enfeeble their claim to the restitution and restoration they contend for; a point it would be greatly the interest of the colonies to gain with a good grace."—(*Maryland Gazette*, February 10, 1757, quoted by Scharf, I, 478.) Cfr. *Upper and Lower House Journals*, Mss. Folio of this period.

## APPENDIX T.

(*MSS. Archiepiscopal Archives, Baltimore.*)

## ADVERTISEMENT.

A COPY OF THE HONORABLE DANIEL DULANEY, ESQ.  
HIS OPINION.

Mr. James Carroll by his will bequeathed several legacies to some of his relations, and appointed executors: the same which undertook the execution of the will in usual form. Those who did so were trustees for the legatees, and ought to have paid the legacies at the expiration of one year after the death of the testator, unless some other or longer time was appointed by him in the will for the payment.

If the legatees were in their minority, the legacies carry interest from the end of the year, though no demand is made, because no lapse is to be imputed to minors. If the legatees are major, the interest accrues from the time a



demand is made and the payment is refused or delayed. Interest is due whether the Executors did or did not make interest of the money, if they might have done it. As a great part of Mr. Carroll's personal estate consisted in outstanding debts which required some time to collect, and some time after for the collector to place out the money at interest, I think it but just and reasonable to exempt the Executors from interest till it was or might have been so placed, and that six, or at most, eight months is sufficient time for that purpose: but if the Executors made use of the money immediately after the receipt of it, they ought, from that instant to pay the interest.

If the Executors were in advance for the Legatees before the money can be collected out of which the Legacies are to be paid, they (the Executors) I conceive justly entitled to the interest of such money till it is replaced, and may justly retain such interest, as well as the principal, out of the money that was due to the testator, when they shall have received it.

All legatees ought, if required, to give security to the Executors to return a valuable part of what they receive, to pay such latent debts of the Testator as the law will charge the Executors with the payment of.

D. DULANY.

Jan. 22, 1750.

BY MR. CHARLES CARROLL.

N. B.—

That Dr. Charles Carroll offered before the above-mentioned Daniel Dulany, Esq., £420 sterling, as a composition for what money he might owe to the legatees of James Carroll, which was refused by Mr. Charles Carroll, he apprehending the said Dr. Carroll to owe them near three times that sum, on which the said Doctor Carroll threatened Mr. Carroll with the Penal Statutes. For the truth of the above, Mr. Carroll refers to Mr. Dulany.

A Bill in Chancery is now preparing, and will be shortly filed by one of the Legatees of James Carroll to bring Dr. Carroll and Mr. Carroll to fair account.

CHARLES CARROLL.

BY DANIEL DULANY.

SIR:—

Hearing that my name has been made use of in the dispute between Charles Carroll, Esq., and Doctor Carroll, that the subject is to come under the consideration of the Lower House of Assembly, and that it was desired that I would give some account of it,—all that I can say about it is that both of the gentlemen came to my office, in view, as I apprehended, to have my sentiments on the subject under dispute between them concerning Mr. James Carroll's personal interest, and the right of his legatees to it, which I readily undertook in hopes of being instrumental in reconciling their differences. Mr. Carroll demanded an account, which Dr. Carroll said was very difficult, if not impossible to render, and that if Mr. Carroll persisted in his demand (which was very considerable) he, the Doctor, did not know how he should comply with it. After some warm altercation, Dr. Carroll made several proposals of giving the papers and securities he had in his hands relating to Mr. James Carroll's estate, and to pay a sum of money, as I believe, 2 or £300, and at last came up to £420, which Mr. Carroll refused, declaring that he would not accept of £1,000, nor lump the account, but would insist on a particular account, and whatever should appear to be the balance. Dr. Carroll then told Mr. Carroll that he (Mr. Carroll) was fishing for the Society of Jesuits, and perhaps he might stretch the string, or the Lion's skin, till it broke. I understood this to be an allusion to the Penal Laws, and was confirmed in this opinion by a letter which I afterwards received from Dr. Carroll while the affair (wherein they desired my opinion) was under my consideration, which letters my son has to produce. To this letter, I writ no answer, but told Dr. Carroll that I would not make the ability or disability of the legatees any ingredient in my opinion, as I had no authority to determine any such thing but that it must be decided by the law. I have been told that Dr. Carroll asserted in the Lower House that I told him in private conversation he would be in danger of a *Praemunire* if he paid the money, which I hope, for his own sake is not true; for if he did assert it, I declare solemnly, it was without foundation, and that I never told him any such thing in my life. He talked much about the Penal Laws, and I told him there were many of them, and turned to Nilson's 'Justice' wherein there are abstracts of them. I told him once, or oftener, that the penal laws were not made

against the Papists because their religion was a bad one, but because many of them were bad subjects and disturb the government, and conspired to destroy the person of the great and glorious Princess, Queen Elizabeth, and continued the same practices under some of her successors; that when the Papists behaved as became good and peaceable subjects, the penal laws were very seldom put in execution against them, that I did not apprehend any danger from them here, and that it would be ill-policy in a country like this where people are wanting, to force any out of it, or to deter any from coming into it, who would not disturb the peace of society. I remember the Doctor mentioned his being apprehensive of incurring a Praemunire if he paid the money to Mr. James Carroll's legatees, to which I answered that I did not doubt but he had discretion enough to act safely. This, Sir, is all that I can recollect relating to the present subject, and I would not be understood as if I took upon me to mention the very expressions of either of the gentlemen, but I assure you to the best of my remembrance, I have told you the substance of what passed, and that I have no bias, or favour, or prejudice to either of them,—I am Sir,

Your most humble and obedient servant,

D. DULANY.

To the Honorable, the Speaker.

SIR:—

I was too busy yesterday to look for the enclosed letter besides I promised Dr. Carroll a copy of it which I have sent him this morning, I am sir.

Your most humble and obedient servant,

D. DULANY.

June 25, 1751.

To Charles Carroll, Esq.

DOCTOR CARROLL TO DANIEL DULANY, Esq.

Jan. 21, 1750.

SIR:—

I find Mr. Carroll bent on a matter which must (if his end's gained) ruin me. As you are going to give us your opinion (or I would choose advice) I must request you will make this an ingredient toward giving such. I am appointed Executor by the Will, which may be proper for

you to see, during the minority of Mr. Carroll's nephews only,—who are men taken into orders, and are priests. (2) Whether a recusant, or priest, can be an executor. If not what right has Mr. Carroll to call me to account, or who shall have the residue of the estate? I am,

Sir, Your most humble servant,

C. CARROLL.

To Daniel Dulany, Esq.

N. B.—Mr. Carroll could not Doctor Carroll, unless Doctor Carroll owed a very large sum of money, and which is only recoverable by law.

TUESDAY, JUNE 4TH, 1751.

The order of the day being read, the House took into consideration the Paper Advertisement fixed at the door of the House on the 24th day of May last, and on reading and considering the same, the question was put whether the said Advertisement doth contain scandalous and malicious reflections upon the proceedings of this House and a member thereof? or not.

Resolved in the affirmative.

*For the Affirmative.*

Band, Mills, Smith, Willmer, Worthington, Bordley, J. Marshall, Heighe, B. Marshall, Reynolds, Smallwood, Stoddard, Lee, Wilson, King, Waggerman, N. Goldsborough, I. Goldsborough, Loyd, Oldham, Tillotson, Hooper, LeCompte, Travers, Hyland, W. Smith, Franklin, Wooten, Addison, Sprigg, Murdock, Hopper, Davis, Sullivan, Selby, J. Henry, Crabb, Chaplin, Prother.

*For the Negative.*

Key, Colville, Garden, Scarborough, Barnes, Henry, Dulany.

The House adjournes till to-morrow morning, 8 o'clock.

WEDNESDAY MORNING, JUNE 25TH, 1751.

The House met according to adjournment. The members were called and all appeared as yesterday. The Proceedings of yesterday were read. On a further consideration of the advertisement set up by Charles Carroll, Esq.—Resolved that the Advertisement fixed up at the door of this house by Charles Carroll, Esq., a powerful and leading Roman Catholic, contains matter scandalous and malicious, reflections upon the proceedings of this House in general, and a member thereof in particular, and is a violation of the rights and privileges of this House. Thereupon ordered that the said Charles Carroll, Esq., be taken into custody by the Sergeant attending this House.

On motion of a member that the word *false* be inserted in the above,—Resolved, The question was put whether the word false shall be inserted in the above resolve or not? Resolve in the Negative.

The Sergeant at Arms attending this House acquaints the Speaker that in obedience to the order of this House he had taken into his custody the body of Charles Carroll, Esq.,—Ordered that the warrant be made out directed to the Sheriff of Ann Arundel County and the Keeper of the Public Gaol in the City of Annapolis, to take into his custody the body of Charles Carroll, Esq., of the City of Annapolis, which warrant was accordingly made out in the following words: viz.,

By the Lower House of Assembly, 6th of June 1751.

You are hereby ordered to take into your custody the body of Charles Carroll of the City of Annapolis, now in custody of the Sergeant at Arms, for scandalously and maliciously reflecting upon the proceedings of this House in general and a member of it in particular, and for violating the rights and privileges of this House, and himself keep close confined, until he shall make a due submission, and be discharged from such confinement by order of this House, for which this shall be your sufficient warrant.

Signed by order,

P. HAMMOND, *Speaker*.

To John Gassaway, Sheriff of Ann Arundel County, Keeper of the Public Gaol in the City of Annapolis.

Whereupon the Question was put whether the word public gaol be inserted in the Warrant or not.—Resolved in the Negative.

Ordered that the Sheriff of Ann Arundel County do attend this House immediately. The Sheriff of Ann Arundel County in pursuance of the order of the House, attended and was called to the Bar. Mr. Speaker acquainted him that by the order of the House, he do forthwith take the Body of Charles Carroll, Esq., now in custody of the Sergeant at Arms, and him safe keep in close confinement, until he shall make a due submission, and be discharged from such confinement by order of this House. The Sheriff was ordered to withdraw.

#### A SUBMISSION REQUIRED OF MR. CARROLL BY THE HOUSE.

Mr. Speaker:—I am very sorry that the paper which I fixed up at the door of your House has given offence. I assure you, Sir, that I had no intention either to reflect upon the proceedings or violate the privileges of the House of Delegates. But for the offence I ask pardon of the Honorable House in general (so far Mr. Carroll offered to submit *but declined to subscribe to the following*) and of any member in particular, that by your Honorables may be thought to be more immediately pointed at by that Advertisement."

### APPENDIX U.

#### THE COLONIAL CARROLLS.

The surname Carroll is not, as commonly thought, connected with the Latin *Carolus*, but is an evolution of the Celtic *Cearrbhal*. Like Campbell (crooked mouth) and many other names of Celtic origin, it indicates some personal peculiarity in the one to whom it was first attached. The signification of *Cearrbhal* may be approximated as "wry-mouth;" its pronunciation resembles pretty closely that of the present form, Carroll.

The first to assume the surname was Monach, King of Munster. From this O'Cearbhaill sprang the dominating family of one of the Irish septs or clans, whose domain known as Ely O'Carroll included what is now the western part of King's County and a part of Tipperary. "Cousin Carroll is right about ye country of ye O'Carrolls," writes Charles of Doughoregan to his son: "it was by ye Latin authors called Elea Carolina, commonly Ely O'Carroll." And thus Betham (*Irish Antiquarian Researches*, Part I):

"It is indisputable that the *O'Carrolls* were in very early ages kings of the entire district of Ely, and that the territory was so named from Ely, daughter of Luchta, son

of the king of Munster, one of our ancient lawgivers who flourished about the time of our Lord Jesus Christ."

English conquest and penal laws, although they reduced all branches of the family to "ye low estate" mentioned by Chas. Carroll of Doughoregan, did not, however, entirely alienate their property. Probably much of this immunity may be traced to the fact that the O'Carrolls were amongst the first to place their possessions directly under the safeguard of the Crown. "With this view, in the third year of the present reign (Edward VI), the *dynast* O'Carroll, lord of Ely, surrendered his country to the King, and had it returned to him by letters patent, together with the title of baron of Ely." (*Moore's History of Ireland*, Chap. XLVII.) In 1610 we find a letter protesting against Sir Mulrony Carroll's intrusion upon the "*castles and lands*" of his orphaned relative John Carroll, the King's ward and rightful heir to Sirs Charles and William Carroll. —(Papers of the Marquis of Ormonde, App. I.) A half century and more later, Chas. Carroll the grandfather of the Signer appears to have been regarded as the *O'Carrolls*, *i. e.* rightful claimant of the estates which pertained to the hereditary septarch or chieftain of the Carrolls, or of at least the younger branch. And so strong were his claims, even then in the days of the most fickle of the Stuarts, that one is left to infer that the grant of lands in Maryland was obtained for him in settlement. Says Betham: "He was in great favour with Kings Charles II and James II, who were not able to restore him to his paternal estate; but the latter made him grants of large tracts of land on the Monocacy river, in the province of Maryland, in North America."

Considering his adherence to the ancestral faith the representative of the Carrolls, might well, even in his reduced circumstances, regard himself as particularly favored of Providence. After all, the decline of his fortunes might be traced to an additional cause. There is evidence about this time, of lines rather sharply drawn between at least two branches of the family, the elder and the younger. They even assumed different arms. A century later the Comtesse d'Anzouers (nee Carroll) claims near kinship with Abp. Carroll on the ground of "*portant le meme nom et les memes armes.*" (Cathedral Archives, Baltimore). And one Thomas Carroll writing to the Archbishop deems it necessary to assert that his "*genealogy* says there were for time out of mind constant connection between both families."—(Cathedral Archives, Baltimore.)

Yet divided or undivided, under fortune's smile or under fortune's frown, there can be no question that in the eyes



of those who knew them and their past, they were always, as Rev. Henry Bolton puts it, "the most honorable and illustrious families of the O'Caroles of Leinster."

Amongst the Carrolls of colonial Maryland both branches were represented; the elder by Dr. Charles Carroll, of Annapolis, and his son, Charles Carroll, the Barrister; the younger by the families from which sprang Charles of Carrollton, and John, first Bishop and Archbishop of Baltimore.

But little cordiality prevailed between the representatives of the two branches. It was by members of the younger branch that the epithet "Apostate" was first applied to Dr. Charles Carroll, of Annapolis, and it will be remembered that the frenzied renewal of sectarian bitterness and intolerance in Maryland, about the middle of the eighteenth century, came as an aftermath to a quarrel between this Charles Carroll and Charles Carroll of Doughoregan, father to the Signer. It is to this Charles Carroll that the designation "of Annapolis" belongs, although, because of their long residence at the Capital, it is frequently but confusingly applied to Charles of Doughoregan and his father the Attorney General, just as that of "Barrister" is sometimes substituted for "of Doughoregan" in the name of the Attorney General's son, whilst it disjunctively belongs to Charles the son of Charles of Annapolis.

To this Dr. Charles Carroll, of Annapolis, an estate had been granted of about 2,500 acres which he designated "The Caves" and from which he is sometimes styled also "Charles Carroll of the Caves." It was his son, Charles the Barrister who in 1754 built the old Carroll mansion, still standing in Carroll Park, Baltimore, and occupied by him until his death in 1783 and by his collateral descendants until 1851. Charles the Barrister was a brilliant lawyer and has left his name attached to some of the most effective documents in the legal Archives of his State. With him the elder branch of the Carrolls became extinct in Maryland in the male line. By his will he devised "The Caves" to Nicholas McCubbin, one of his sister's children with the proviso that he should endeavor to have his name changed by act of Assembly to Carroll. The devisee was successful in his endeavor. In consequence this branch of the family is now represented by a Carroll of the Caves, but in the *female* line.

As to the younger branch of the family in Maryland, it must not be thought that, whilst closely akin, all its members descended from one first settler. Although Charles Carroll, the Attorney General, the first of his name to set-



tle in Maryland, *did* have a son by the name of Daniel, brother to Charles of Doughoregan and uncle to Charles of Carrollton, it is certain that he cannot be identified, as many seem to have thought, with Daniel the father of Archbishop Carroll, a son of Keane who (Keane) never migrated from Ireland. It is likewise certain that the Carroll whom the minister of James II advised to emigrate to America, was not, as Brent and others assert, the ancestor of Archbishop Carroll. For it was Charles, the grandfather of Charles of Carrollton, who acted as secretary to Lord Powis. The story runs that young Carroll, having one day congratulated Lord Powis on the prosperous face of public affairs and the progress of his Majesty's service, "You are quite wrong," replied Lord Powis, "affairs are going on very badly; the King is very ill-advised." And, after a pause, "Young man, I have a regard for you, and would be glad to do you a service. Take my advice—great changes are at hand—go out to Maryland. I will speak to Lord Baltimore in your favour."

Charles followed the Minister's advice and having through his influence and the King's favour obtained from Lord Baltimore a grant of large tracts of land and an appointment as Attorney General, arrived in Maryland the very year of the downfall of James II. Lord Baltimore afterwards appointed him his agent and Receiver General. Charles Carroll acted, in fact, as a sort of vice-proprietary.

Possessed of 60,000 acres of land he parceled them out into three manors, two of which he named from his lost estates in Ireland, Ely and Doughoregan, and the third, Carrollton. He thus became the founder of one of those manorial families which under the Proprietary government were invested with what were really baronial rights and privileges.

Doughoregan and Carrollton manors descended to his grandson Charles Carroll of Carrollton. Charles of Carrollton, was reputed the wealthiest man in the colonies. An estimate of his property made by his own hand in 1764 is as follows:

40,000 acres of land, two country seats.....	£40,000
20 Houses at Annapolis.....	4,000
285 Slaves, at an average of £30 each.....	8,550
Stock on plantations.....	1,000
Household Plate.....	600
Debts Outstanding.....	24,230

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£78,380

(Magazine of American History, Vol. II.)

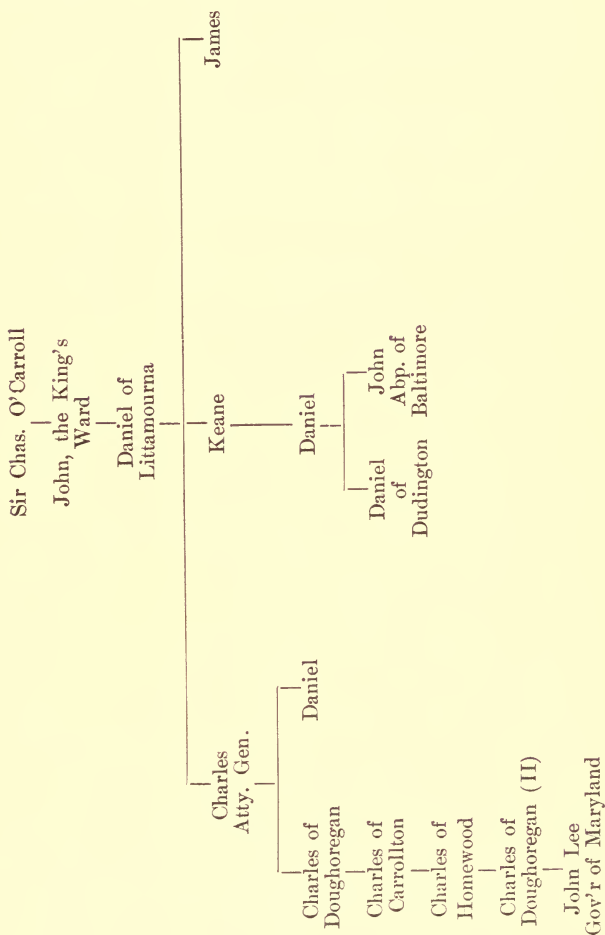
A later estimate by another than himself places his wealth at about \$2,000,000. It is a pleasant fiction that he first attached the "of Carrollton" to his name at the signing of the Declaration of Independence. It is certain that the designation was used by him as far back as 1765, immediately after Charles of Doughoregan settled upon him the estate of Carrollton, and, having so signed himself in a letter to his friend Jennings, 23 Nov., 1765, he adds: "by which appellation, if you favour me with an answer, direct to me your letter."

But if Charles of Carrollton and John, Bishop of Baltimore, were not descended from the same Colonial Carroll, what was the degree of kinship between them? Time after time it has been asserted they were first cousins, equally as often it has been said there was no appreciable relationship. That they could not have been *first* cousins on the Carroll side may be inferred from what we have said above. It is equally plain that they were not *first* cousins on the Darnall side. Charles Carroll, the Attorney General, indeed, married a Mary Darnall and Daniel Carroll married an Eleanor Darnall, but Charles Carroll, the Attorney General was *grandfather* to Charles Carroll of Carrollton, whilst Daniel was *father* to John Carroll, Archbishop of Baltimore, and Mary and Eleanor Darnall were not sisters, but aunt and niece.

Yet a relationship does exist and on both sides.

Before attempting an inquiry it must be stated that the genealogy of Charles of Carrollton is much confused after the fifteenth century. Charles of Doughoregan writing to his son then in England, is anxious that his genealogy be traced "from 1500 to ye present time. I shall not begrudge ye expence." Charles of Carrollton evidently acted in accordance with his father's desire, for it is on record that to his own satisfaction he established a connection with the line recorded up to 1500, and *through* the noble O'Carroll "who was chief of that name and defeated at the battle of Knock Lee by Gerald, Earl of Kildare, in the year 1516," and thus became, according to Irish genealogists, the twenty-fifth in descent from Monach (the first to assume the name of Carroll and probably identical with Olliol Ollum) and (God save the mark!) the one hundred and thirty-first from Adam, the primal man! However, John O'Kane Murray remarks that in his old age, he was content to begin at Daniel Carroll of Littamourna, Kings County, Ireland. Happily this is sufficient to establish the degree of relationship between the contemporary John and Charles of Maryland. For there is every reason to believe that they were both direct descendants of this Daniel

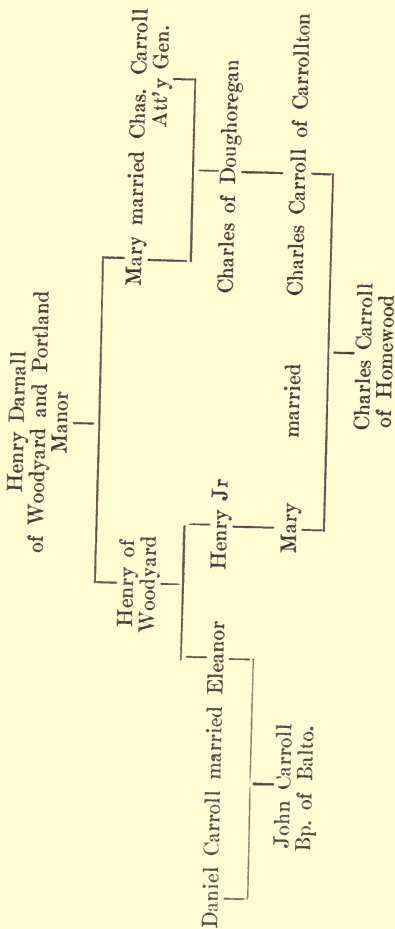
Carroll of Littamourna. The following genealogical synopsis is probably correct.



From the foregoing it will be seen that Daniel Carroll, father of the Archbishop of Baltimore, was a nephew of

Charles the Attorney General, and that John and Charles of Carrollton were third cousins.

On the Darnall side the relationship is made plain by the following:



From the foregoing it is plain that on the Darnall side, Charles of Carrollton and the Bishop of Baltimore are descended from the same first settler and great-grandfather, Henry Darnall, blood relative of the Calverts, and are therefore third cousins. It will be also noted that Charles of Carrollton married his own third and Bishop Carroll's first cousin, Mary Darnall, thus introducing a connection by marriage.

Besides these, a third blood relationship may be detailed. Charles of Doughoregan, married his cousin, Elizabeth Brooke, most probably a "cousin of the full blood" i. e. first cousin. If so Bishop Carroll was *her* third cousin and therefore a fifth to *her son*, Charles of Carrollton.

Summarizing then, Charles and John Carroll were

- 1°. 3d cousins through the Carrolls.
- 2°. 3d " " " Darnalls.
- 3°. 5th " " " Brookes.
- 4°. Connected by marriage.

In Synopsis No. 1 there appears one James Carroll. This James Carroll was also a colonial settler and owned, besides considerable other property, the strip of land on which Fort McHenry now stands. He died childless, leaving the bulk of his estate to the Rev. Anthony Carroll, his nephew (Mss. of Bishop Carroll.) This estate is historic. Its settlement entailed the quarrel between Charles Carroll of Doughoregan and Charles Carroll the Apostate, the gaoling of the former for insult to the Assembly, and the stricter enforcement of the penal laws against Catholics in Maryland. Anthony Carroll was a Jesuit and, shortly after the Suppression of the Society, in 1774, came over to Maryland with Rev. John Carroll. After sojourning there and in Pennsylvania about a year, he returned to England. Charles of Doughoregan styles him cousin (Letter to Charles Carroll of Carrollton, 1763). Now neither Charles of Doughoregan nor his son usually employed the term *cousin* except in relation to those "of the full blood," i. e. first cousins. We may therefore reasonably infer that Anthony Carroll was first cousin to Charles of Doughoregan and consequently second cousin to Charles of Carrollton and Bishop Carroll. Now Anthony Carroll was *uncle* to the Rev. John Ashton. (Letter of Rev. Wm. Strickland, Cathedral Archives, Baltimore.) It is thus evident that Bishop Carroll and John Ashton were descendants of the same great grandfather and therefore third cousins. *Cousins*, indeed they are termed by Wm. Aston in a letter to the former. A kinship is thus estab-

lished between two men who (with an unhappy third, also a kinsman, Wharton the Apostate) were among the interesting personalities of the American clergy of their time.

(For this sketch of the Carroll family, I am indebted to the courtesy of Mr. Frederick Welty.)

## APPENDIX V.

LIST OF JESUITS WHO CAME TO MARYLAND, 1634-1774.—  
(From MSS. in Archiepiscopal Archives.)

Father White.	Whetenhall.	Greaton.
Thomas Copley.	Davis.	Joseph Mosely.
Starkey.	Cate.	M. Murphy.
Ferret.	Whitgrave.	Frambank.
Pulton.	Kingby.	James Pellentz.
Fitzherbert.	Philips.	Joachim William.
H. Waring.	Quin.	George Hunter.
Pelcome.	Molineux.	John Kingdon.
Pool.	Lecomby.	Michael Murphy.
Clavering.	Harding.	Frederick Leonard.
Waldegrave.	Fleetwood.	Lewis Roels.
F. Pennington.	Liverk.	John Kingdon.
T. H. Matthews.	Henry Neale.	Joseph Sky.
W. Hunter.	Archbold.	Deritter.
John Hall.	Diggs.	James Boon.
Robert Brooke.	Sneyder.	James Walton.
Matth. Brooke.	Wappeler.	Ignatius Matthews.
G. Thorold.	John Diggs.	O'Reilly.
W. Killick.	Bennet.	Arnold Livers.
T. H. Mansel.	Neale.	John Ashton.
Cattaway.	Ashby.	Pet. Norris.
Rich. Leath.	G. Hunter.	Luke Geister.
Th. Havert.	John Kingdon.	Robert Molineux.
W. Attwood.	Richard Ellies.	John Bolton.
Webster.	James Carroll.	Sylvester Boarman.
Brokas.	J. Beadnall.	John Boarman.
Poulton.	J. Lewis.	Ch. Sewall.
Hudson.	Rich. Molineux.	A. Jenkins.
W. Gerrard.	Gillibrand.	Ant. Carroll.
Lloyd.	Manners.	John Carroll.
Benet.	Farmer.	
Greaton.	Vincent Philips.	

## APPENDIX W.

The following clergymen of the Church of England were in Maryland before 1692: Henry James, (1632.) The same Mr. James, who was in Kent Island prior to 1638 was the same who was at Avalon with Lord Baltimore.—Md. During the English Civil Wars, Part I, *Steiner, J. H. U. Press*, 1906.) William Cotton (1635), Hampton (1636), Robert Brooks (1650), William Kilkinson (1650), Jonathan Sanders (1661), Matthew Hill (1669), John Cood (1676), John Yeo (1676), John Hewitt (1678), Ambrose Sanderson (1681), Duell Pead (1682), William Mullet (1683), John Turling (1684), Joseph Leech, (1685), Paul Bertrand (1685), John Lillingston (1685), John Matthews (1688), Francis Pennington (1688), Lawrence Vanderbush (1692.)

(For the above information I am indebted to Mr. Henry F. Thompson of the Maryland Hist. Soc.)

## APPENDIX X.

I WILLIAM AND MARY, *Statutes of the Realm*.

Act for amoving Papists or Recusants from the city of London.

If Papists after refusing to take the Declaration oath shall continue to remain within the city or ten miles of it he or she shall forfeit or suffer as a popish Recusant Convict by the laws already established, . . . etc.

. . . Adjudged Popish Recusant convicts on refusal to sign Declaration (30 Charles II.)

I WILLIAM AND MARY, *Ibid*.

Act for the Better securing the Government by disarming Papists.

Papists refusing to sign Declaration are subject to penalties, forfeitures, and disabilities in this Act mentioned;

They must keep no arms;

Three months' imprisonment for not discovering arms;

Three months' imprisonment for concealing them arms.

Not allowed to keep one or more horses worth more than £5.

1 WILLIAM AND MARY, *Ibid.*

"Act to invest in the Two Universities the Presenting of Benefices belonging to Papists."

Persons refusing the Declaration (3 James I, c. 5) Act of Parliament third year of King James' reign, adjudged Recusants and not allowed to present. . . .

Trustees for Catholic Recusants disabled.

## 1 WILLIAM AND MARY.

An act for the preventing of the Growth of Popery.

. . . "After March 25th, 1700. . . . All persons apprehending Popish Bishops, priests, or Jesuits, and prosecuting him or them so apprehended, until he or they be convicted of saying Mass or exercising any other part of the functions of a Popish Bishop, Priest, or Jesuit . . . shall receive the sum of £100.

"Be it enacted: That if any Popish Bishop, Priest or Jesuit whatsoever, shall say Mass or exercise any other part of the office or functions of a Popish Bishop, Priest or Jesuit within this realm . . . or if any Papist, or person making profession of the Popish religion, shall keep school, or take upon themselves the education, or government, or boarding of youth in any place within this realm . . . being lawfully convicted shall be adjudged to perpetual imprisonment. . . .

"If any person educated in the Popish religion or professing the same, shall not within six months after he or she shall attain the age of 18 years take the oath of Allegiance and Supremacy, also subscribe to the Declaration expressed in the Act of Parliament made in the thirtieth year of the reign of the late King Charles II, entitled "An Act Disabling Papists from Sitting in Either House of Parliament" . . . every such person shall in respect to him or herself . . . and not in respect to his or her heirs . . . be disabled and made incapable to inherit . . . any lands, tenements, hereditaments within the kingdom of England. And during the life of the said person, until he or she do take the Oath, and make and subscribe to the Declaration aforesaid, the next of his or her kindred which shall be a Protestant, shall have and enjoy the said lands, tenements hereditaments, . . . etc., without being accountable for the profits by him or her received during such enjoyment" . . . (In case of wilful waste the administrator may recover.)



"All Papists . . . shall be disabled and hereby made incapable to purchase either in his or her name or in the name of any other person or persons, any Manor Lands, Profits out of Lands, Tenements, Rents, Terms, Hereditaments, within the kingdom of England . . . All estates or profits . . . etc., out of lands for use . . . of such persons . . . or benefit or relief . . . to be utterly void and of none effect . . . etc.

" . . . Whoever shall be convicted of sending any child or other person beyond the seas, out of the King's obedience to the intent that such child or person shall be educated in the Romish religion, shall forfeit £100 . . . said £100 for the sole use and benefit of him who shall discover any person so offending to the end that Protestant children may not in the life time of their parents for want of fitting maintenance . . . be necessitated in compliance with their parents to embrace the Popish religion contrary to their inclination; Be it enacted that if such a parent in order to compelling such his child to change his or her religion, shall refuse to allow such child a fitting maintenance suitable to the degree and ability of such parent . . . then complaint shall be made to the Lord High Chancellor or to the Keeper of the Great Seal, and it shall be lawful for the said Lord High Chancellor or the Keeper of the Great Seal to make such an order as shall be agreeable to this Act."

#### 12 WILLIAM III, 1699-1700.

Papists were doubly taxed: Those over sixteen years of age not having taken oath to pay double tax. (*Statutes of the Realm*). The penalty for refusing the oath prescribed (1 William and Mary, *ibid.*) was the infliction of the pains, penalties, forfeits, and disabilities, of a Popish Recusant.

*Statutes of the Realm*. Printed by command of His Majesty King George III. *From Original Records and Authentic Manuscripts*, 7 vols., London, MDCCCXX.

#### APPENDIX Y.

THE ADDRESS OF THE COLONIES TO THE PEOPLE OF GREAT BRITAIN—(Oct. 21. 1774.) CONCERNING THE QUEBEC ACT.

"That we think the Legislature of Great Britain is not authorized by the Constitution to establish a religion fraught with sanguinary and impious tenets, or, to erect an arbitrary form of government in any quarter of the

globe. These rights, we as well as you, deem sacred. And sacred as they are, they have, with many others, been frequently, been repeatedly, and flagrantly violated. . . . Now mark the progression of the ministerial plan for enslaving us.

“The Dominion of Canada is to be so extended, modelled and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices, that by their numbers daily swelling with Catholic emigrants from Europe, and by devotion to Administration, so friendly to their religion, they might become formidable to us, and on occasion, be fit instruments in the hands of power, to reduce the ancient free Protestant Colonies to the same state of slavery with themselves. This was evidently the object of the act;—And in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it, as hostile to British America.—Super-added to these considerations we cannot help deploring the unhappy condition to which it has reduced the many English settlers, who, encouraged by the Royal Proclamation, promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned, cannot claim the benefit of the habeas corpus Act, that great bulwark and palladium of English liberty:—Nor can we suppress our astonishment, that a British Parliament should ever consent to establish in that country, a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion through every part of the world. This being a true state of facts, let us beseech you to consider to what end they lead. Admit that the Ministry, by the powers of Britain, and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery. Such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with Pensioners and Placemen. We presume also, that your commerce will somewhat be diminished. However, suppose you should prove victorious—in what condition will you then be? What advantages or what laurels will you reap from such a conquest?

“May not a Ministry with the same armies enslave you. It may be said you will cease to pay them, but remember the taxes from America, the wealth, and we may add, the men and particularly the Roman Catholics of this vast continent will then be in the power of your enemies, nor will you have any reason to expect, that after making slaves

of us, many among us should refuse to assist in reducing you to the same abject state.”—(*Journal of Congress*, pp. 83, 87, 88.)

Friday, Oct. 21, 1774.

An historian of the Revolution tells us how the Quebec Act was regarded by the people of this country:

“The Government of Quebec was converted into the most odious despotism, and the Catholic clergy placed upon a footing in direct hostility to the genius and spirit of the American colonies. This should not fail to alarm them for the safety of the Protestant religion, the free enjoyment of which, according to the dictates of their consciences, had been the chief cause of the first migrations. Hence in all subsequent meetings of the people as well as in the proceedings of Congress, this subject was mentioned as one of the grievances of which they had to complain.”—(*History of the American Revolution*, 2 vols, by Paul Allen, I, p. 206; Balto., 1822.)

The importance of not antagonizing the Canadians, by any display of bigotry on the part of the American army, during the Quebec expedition was realized by Washington, who in his instructions to Arnold (September, 14, 1775) counselled an attitude of conciliation. “You are by every means in your power to endeavor to discover the real sentiments of the Canadians towards our cause. . . . You are to endeavor to conciliate the affection of these people . . . convincing them that we come at the request of many of their principal people; not as robbers, or to make war against them, but as friends and supporters of their liberties as well as our own, and to give efficacy to these sentiments, you must carefully inculcate upon the officers and soldiers under your command, that not only the good of their country, and their honour, but their safety, depends upon their treatment of these people. . . . And as the contempt of the religion of a country, by ridiculing any of its ceremonies, or affronting its ministers or votaries, has ever been deeply resented, you are to be particularly careful to restrain every officer and soldier of such imprudence and folly, and to punish every instance of it. On the other hand, as far as lies in your power, you are to protest and support the free exercise of the religion of the country, and the undisturbed enjoyment of the rights of conscience in religious matters with your utmost influence and authority.”—(*American Archives, A Documentary History of the English Colonies of North America*, Peter Force, Washington, 1860, III, pp. 765-767.)

We may well believe that Washington was superior to the

narrow bigotry of his day. It came to the ears of the Commander-in-Chief, that the Continental troops outside of Boston (November 5, 1775) were preparing to celebrate the anniversary of the Gunpowder Plot, which in America was known among the ignorant, bigoted and vulgar, as Popes Day, and celebrated by them with the usual indulgence in all forms of coarseness, offensiveness, and fanaticism. Washington immediately issued an order setting forth that "As the Commander-in-Chief has been appraised of a design formed for the observance of that ridiculous and childish custom of burning the effigy of the Pope, he cannot help expressing his surprise that there should be officers and soldiers in his army so void of common sense as not to see the impropriety of such a step at this juncture; at a time when we are soliciting, and have really obtained the friendship of the people of Canada whom we ought to consider as Brethren embarked in the same cause, the defense of the general liberties of America. At such a juncture, and in such circumstances to be insulting their religion is so monstrous as not to be suffered or excused: indeed instead of offering the most remote insult, it is our duty to address public thanks to these our brethren, as to them we are so much indebted for every late happy success over the common enemy in Canada."—(*Writings of Washington*. By Jared Sparks, Vol. III, p. 144, note, N. Y., 1847.)

In order to gain the co-operation of the Canadians, if possible, Washington addressed to them a letter inviting them to join their forces with the Americans against Great Britain.

"Friends and Brethren," he writes to them, "the unnatural contest between the English Colonies and *Great Britain* has now risen to such a height, that arms alone must decide it. The colonies confiding in the justice of their cause and the purity of their intentions, having reluctantly appealed to that Being in whose hands are all human events. He has hitherto smiled upon their virtuous efforts. The hand of tyranny has been arrested in its ravages, and the *British* arms which have shone with so much splendor in every part of the globe, are now tarnished with disgrace and disappointment. Generals of approved experience, who boasted of subduing this great continent, find themselves circumscribed within the limits of a single city and its suburbs, suffering all the shame and distress of a siege, while the free-born sons of America, animated by the general principles of liberty and love of their country with increasing union, firmness, and discipline, repel every attack and de-

spise every danger. Above all, we rejoice that our enemies have been deceived in regard to you; they have persuaded themselves, they have even dared to say, that the Canadians were not capable of distinguishing between the blessings of liberty and the wretchedness of slavery; that gratifying the vanity of a little circle of nobility would blind the eyes of the people of Canada; by such artifices they hoped to bend you to their views, but they have been deceived; instead of finding in you that poverty of soul and baseness of spirit, they see with a chagrin equal to our joy, that you are enlightened, generous and virtuous; that you will not renounce your own rights, or serve as instruments to deprive your fellow-subjects of theirs. Come my brethren, unite with us in an indissoluble union; let us run together to the same goal. We have taken up arms in defense of our liberty, our property, our wives, and our children; we are determined to preserve them or die. We look forward with pleasure to that day, not far remote we hope, when the inhabitants of America, shall have one sentiment, and the full enjoyment of the blessings of a free Government. Incited by these motives, and encouraged by the many friends of liberty among you, the grand American Congress have sent an Army into your Province, under the command of General Schuyler, not to plunder, but to protect you; to animate and to bring forth into action, those sentiments of freedom you have disclosed, and which the tools of despotism would extinguish through the whole creation. To co-operate with this design, and to frustrate those cruel and perfidious schemes, which would deluge our frontiers with the blood of women and children, I have detached Colonel Arnold into your country, with a part of the Army under my command.

“I have enjoined upon him, and I am certain he will consider himself and act as in the country of his patrons and best friends. Necessaries and accommodations of every kind which you may furnish, he will thankfully receive, and render the full value. I invite you therefore as friends and brethren, to provide him with such supplies, as your Country affords, and I pledge myself not only for your safety and security, but for ample compensation. Let no man desert his habitation. Let no one flee as before an enemy. The cause of America and of liberty, is the cause of every virtuous American citizen, whatever may be his religion or his descent. The United Colonies know no distinction but such as slavery, corruption, and arbitrary domination may create. Come then, ye generous citizens, and range yourselves under the standard of general liberty, against which

all the force and artifice of tyranny will never be able to prevail."

GEORGE WASHINGTON.

*American Archives*, III, p. 764.

[*Maryland Gazette*, Oct. 27, 1774.]

"Quebec, September 22nd.

Translation of the Address of the clergy to his Excellency Guy Carlton, Esq., Major General and Commander in chief over the Province of Quebec.

Sir:—Permit us, when we congratulate your Excellency on your happy return, likewise to felicitate ourselves and the Province, on having you for the protector of our laws and religious liberties. History will rank your name among the bravest of warriors, and the wisest of politicians, but gratitude is already imprinted in the heart of every Canadian. We know with what firmness you have supported our interest, and the testimony you have borne to our fidelity, to his most gracious Majesty and the Parliament. We want words to express our sincere gratitude, but the universal joy and the fervent expression of our allegiance, those public demonstrations on the moment of your Excellency's arrival with your worthy family, are proof too convincing to need any arguments to support them. Your name will be ever held in the highest esteem in Canada, and you will always find the clergy to be good and faithful subjects.

"John Oliver, Bishop of Quebec.

"H. F. Grave, Superior of the Seminary.

"Louis Aug. de Glapion, Superior General of the Jesuits.

"Emanuel Cerspel, Superior of Recollects."

ADDRESS OF THE CANADIANS TO GENERAL CARLTON.

(*Maryland Gazette*, Oct. 27, 1774.)

"May it please your Excellency: We his Majesty's Canadian subjects in the city of Quebec are deeply impressed with the most lively gratitude for the protection your Excellency has afforded us, and the care and solicitude you have taken to render us happy and easy, call upon us to congratulate you on your happy arrival in this metropolis. Suffer us to express the satisfaction we feel from the favour which his most excellent Majesty, our Sovereign, has conferred on us, by placing you Sir (who is very justly styled our protector and father) at our head

to rule over us, to guide and establish the government of this province upon a happy, firm and lasting foundation, by putting in force the Act which his most gracious Majesty and his Parliament have been pleased to pass over this province. We know that we owe to your Excellency alone the gracious treatment of his Most sacred Majesty and the Parliament, are obligations we never shall forget, but always acknowledge with the most respectful gratitude. We desire through you to offer at the foot of the throne of our most gracious sovereign, our assurances of the most profound respect, our attachment and inviolable fidelity (confirmed by an oath) and to assure him that he has no subjects more faithful or dutiful than the Canadians, and that we will be at all times, and on all occasions ready to sacrifice our lives and fortunes in the defence of his sacred person, his Crown, his Parliament and his arms. Knowing your prudence, moderation, equity, the uprightness and goodness of your heart, we flatter ourselves that your administration will prove propitious to our wishes, and that your Excellency will be pleased according to the tenor of the Act you have obtained in our favour to suffer us to participate in the rights and privileges of English citizens."





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